

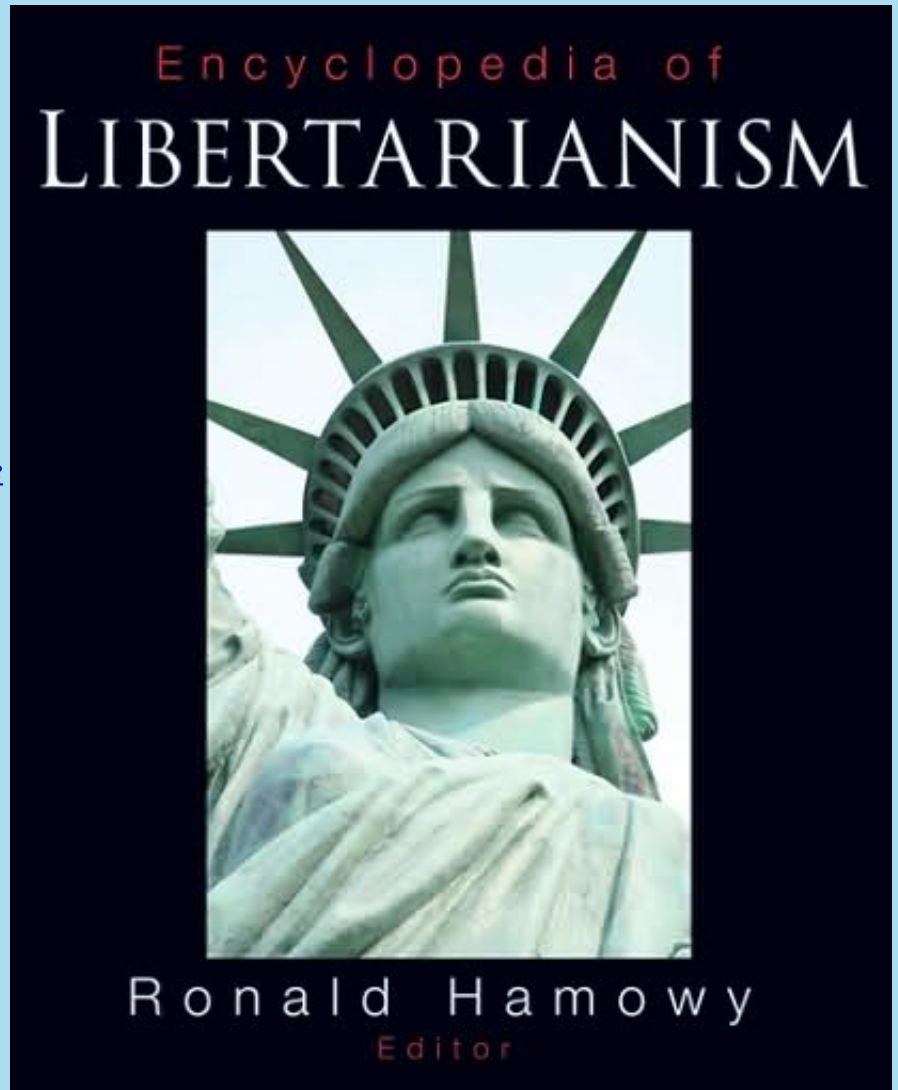
Cato Encyclopedia Entries

by Roderick T. Long

For more information, see my [Blogging the Encyclopedia](#) series.

These are my original, unedited versions of six entries that appeared in the Cato [Encyclopedia of Libertarianism](#). I haven't by any means marked all the editorial changes, just the most annoying ones; I've also let confusing alterations of punctuation and tense pass without notice. (Since I rant a bit below, let me add that overall I've found the *Encyclopedia*, my experience writing for it, and my experience with its editors to be richly rewarding. But this is a fallen world)

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Liberty in the Ancient World

Posterity's debt to the great civilizations of antiquity is enormous, but this legacy does not always include libertarian elements. Students of the centralized managerial autocracies of Egypt and Persia, for example, or of the rigid caste system of India, will scan the records of these societies mostly in vain for ideas and institutions specifically favorable to liberty. (In the case of India, Buddhist criticism of violence and of caste distinctions never developed into a full-fledged critique of political power, perhaps because Buddhist teachings emphasized renouncing the world rather than reforming it.) Several ancient civilizations, however,

did make substantial contributions to the libertarian tradition.

The first known use of a word meaning “liberty” (*amagi*) occurs on a 24th century BCE clay tablet from the Sumerian city-state of Lagash. According to the cuneiform document, the people of Lagash had long been languishing under oppressive bureaucrats and rapacious tax-collectors when a reformer named Urukagina became king (apparently by coup) and “established liberty.” Urukagina’s regime was short-lived, however, as Lagash was conquered by a neighboring state less than a decade later. (The *amagi* symbol enjoys some popularity among libertarians today.)



In the 11th century BCE, the political organization of Hebrew Palestine was transformed from a loose confederation under charismatic non-hereditary leaders called “judges,” into a much more centralized and powerful hereditary monarchy. While in institutional terms this change was a loss for liberty, by provoking critical reflection on political power it may have helped to advance liberty as an idea. By contrast with the adulatory literature of other Near Eastern monarchies, Hebrew scriptures are a sustained critical commentary on their kings. The inception of kingship is described as a rejection of God, and the prophet Samuel is portrayed as warning the Hebrews against the taxation and conscription that monarchy will inevitably bring. Over the succeeding centuries the Hebrew prophets continued to denounce the errors of their rulers; more than the specific content of their criticisms, the prophets’ chief libertarian legacy was the idea of a transcendent standard of conduct to which political rulers are answerable, and to which their subjects can appeal.

In China, the effective collapse of the Chou dynasty in the 8th century BCE fragmented the region into many small independent states, inaugurating five centuries of decentralization. Scholars, deprived of their former positions in the administrative hierarchy, competed vigorously for posts as political advisors to these states’ *parvenu* rulers. This intellectual competition stimulated a flourishing and diverse culture of political thought, much of it favorable to liberty. One thinker, Mo-tzu (5th c. BCE), condemned military conquest as equivalent to murder, on the grounds that rulers should be held to the same moral standards as private individuals. Taoists like Lao-tzu (3rd c. BCE?) emphasized the advantages of spontaneous order over forcibly imposed order. Most influential of all, the Confucians (e.g., Mencius, Hsün-tzu, Ssu-ma Ch’ien) developed an ethics of reciprocity; praised entrepreneurship, mutual gains from trade, and the self-regulating character of the price system; denounced harsh punishments and heavy taxation; and maintained that when a king rules unjustly he loses the “mandate of Heaven,” becomes a king in name only, and so may be legitimately overthrown.

Decentralization ended in 221 BCE when the Ch’in dynasty gained supremacy over China. This brutal and totalitarian regime was quickly overthrown, however, giving way to the milder Han dynasty in 206 BCE. Revulsion against Ch’in excesses created a favorable political climate for limitations on the state. While the new dynasty’s initial promise to eliminate all laws except those against murder, theft, and personal injury was not kept, the early Han emperors, relying heavily on Confucian and Taoist advisors, implemented many libertarian reforms – lowering taxes, moderating punishments, and repealing censorship laws (this last on the ground that without free discussion the emperor “has no way to learn of his errors”). The reforms were short-lived, however; by 81 BCE, Confucians were complaining that laws had once again grown “profuse as autumn tendrils” and “thick as congealed tallow.” Confucian scholars were soon co-opted into the privileged imperial bureaucracy, whereupon Confucianism began to lose much of its antistatist radicalism.

The Greek and Roman contribution to the libertarian tradition has been much debated. In his 1816 essay “[The Liberty of the Ancients Compared With That of the Moderns](#),” the French libertarian Benjamin Constant (1767-1830) famously argued that the meaning of “liberty” in classical antiquity was not **[changed by the**

editors to “did not refer to,” as though not only words but the *meanings* of words could refer – if that’s not a use/mention confusion it’s in the same ballpark] a guaranteed private sphere of personal discretion (which would be the modern meaning), but rather the freedom to participate in the direct and collective exercise of sovereignty – a form of “liberty” quite compatible with severe constraints on individual choice. For Constant, ancient liberty was suitable to warlike societies of small population but not to an advanced commercial civilization, and he looked with alarm at the willingness of contemporary collectivist thinkers to sacrifice the modern variety of liberty in order to recover the ancient. In fact one can find aspects of both kinds of “liberty” in Greco-Roman civilization.

The Greek world (including the Greek colonies in Italy and Asia Minor) benefited from political decentralization and a geographical situation favorable to trade. During the 10th through 6th centuries BCE, trade brought new wealth and new ideas – both destabilizing forces – into the Greek city-states, undermining the traditional warrior nobility and bolstering the power of the middle class **[changed by the editors to “of an artisan class”]**. The ensuing class warfare gradually transformed most Greek city-states from aristocracies into mixtures of oligarchy and democracy (with the proportions of mixture varying from case to case).

This partial shift from a military to a commercial mode of social organization was celebrated by Hesiod (8th c. BCE?), whose poem *Works and Days* praises productive effort, condemns the predatory behavior of “bribe-eating kings,” and contrasts the hateful effects of military competition with the beneficent effects of economic competition. Later Greek writers were consciously proud of their distinctive institutions; in his history of the Greco-Persian Wars, Herodotus (5th c. BCE) plays up the contrast between Persian autocracy and Greek liberty.

The Greek city-state we know the most about is also the one Constant acknowledges as a partial exception to his thesis: Athens. During its democratic period (508-338 BCE), adult male citizens exercised collective sovereignty in the manner of “ancient liberty”; but Athenians also enjoyed substantial personal and economic freedom in the private sphere – “modern liberty.” **[changed by the editors to “what we in the modern world understand by liberty” – though of course I was still referring to Constant’s categories, not those of some imaginary homogeneous “us”]** Democratic ideology defined liberty as, in private matters, “living as one pleases,” and in public matters, “ruling and being ruled in turn.”

Athenian society had many libertarian aspects. Its economic and intellectual freedom attracted merchants and philosophers, respectively, from all over the Greek world. While the execution of Socrates reminds us of the limits to Athenian free speech, Demosthenes’ remark that one could freely praise the Spartan constitution in Athens but not vice versa was true enough. Dispute resolution was a competitive field, with disputants having a choice between private arbitrators, public arbitrators, and jury courts. Like most Greek city-states, Athens had no public prosecutor and no police; law enforcement was a matter for the private sphere. Unlike many Greek city-states, the Athenian state exercised no control over education. The Athenian banking system, likewise unregulated, was quite sophisticated; and women exercised considerable *de facto* (though not *de jure*) authority in commerce and trade. The Athenian system was never purely majoritarian; magistrates were selected by sortition (thus ensuring proportional representation), while decisions of the democratic assembly could be overturned by judicial review. Literary works (e.g., Sophocles’ *Antigone*) and political speeches (e.g., Pericles’ Funeral Oration) alike acknowledged the authority of unwritten laws to which human edicts were answerable. Critics of Athenian democracy point to its tendency to break down in civil strife; but nearly all this civil strife was confined to a single decade (413-403) in the aftermath of the disastrous and demoralizing Peloponnesian War.

The two chief philosophical movements in Athens were the Socratics (*e.g.*, Plato, Xenophon, Aristotle) and the Sophists; each had libertarian aspects, though seldom with regard to the same issue. The Socratics saw human interests as naturally harmonious, inferred that social cooperation under law was the natural human condition, and concluded that the state should take an active role in shaping the moral character of its citizens; the Sophists, by contrast, saw society as an artificial construct, a mutual non-aggression pact among potentially hostile egoists, and concluded that states should confine themselves to minimal defensive functions. (Arguably both groups failed to grasp the distinction between society and state, despite living in a community that largely exemplified that distinction.) The Socratics tended to favor a mixture of democracy and aristocracy, in order to prevent the minority from tyrannizing over the majority and vice versa. While the Socratics were sometimes suspicious of commerce as an ignoble pursuit, Aristotle did defend private property both on economic grounds (public ownership creates incentives for mismanagement) and moral ones (the virtue of generosity presupposes **[changed by the editors to “the virtues of generosity presuppose,” as though Aristotle believed that generosity was a multiplicity of virtues rather than one]** private property). Some Socratics questioned the legitimacy of sexual inequality; some Sophists questioned the legitimacy of slavery.

As the age of the independent city-states gave way to the age of empires – first the Macedonian, later the Roman – the Stoic and Epicurean schools came to predominate. The Stoics, adapting the Socratic tradition to new political circumstances, stressed the individual’s self-command and superiority to circumstances, and proclaimed a universal Natural Law to which all human laws are answerable. The Epicureans described the spontaneous, unplanned evolution of human institutions; developed a social contract theory fusing Socratic and Sophistic approaches; and advocated the pursuit of individual happiness outside of politics.

The Roman Republic (509-31 BCE) **[changed by the editors to “The Roman Republic, which gave way to the Empire in 31 B.C.,” thereby wrecking the unity of the sentence]** combined a bicameral popular assembly, an elective dual executive, and a partly hereditary and partly elective Senate. The historian Polybius (2nd c. BCE) attributed Rome’s success to this constitutional form, arguing that the balance of powers served to check abuses. The statesman Cicero (106-43 BCE) added that the Roman system benefited from having evolved gradually over time, drawing on collective human experience, rather than having been designed by a single mind. Rome’s greatest libertarian legacy is Roman law, a decentralized precedent-based system emphasizing private property and contract. Cicero saw Roman law as an embodiment of the universal Natural Law of the Stoics, and described the state’s proper function as defense of property. Personal freedom was arguably subject to heavier – but also more predictable – constraints than in Athens. Territorial expansion led to an inability to maintain civilian control of the military; a series of ambitious generals advanced themselves by exploiting class conflict, leading to a century of civil war culminating in the establishment of the Empire (27 BCE-476 CE) and continuing erosion of personal and economic liberty.

The imperial period saw the rising influence of Christianity on the one hand and Germanic tribes on the other. If Christianity represented a synthesis of Hebrew and Greco-Roman values, the Germanic ethos has been credited (*e.g.*, by Constant’s contemporary François Guizot) with infusing an ideal of personal independence into this mix. The early Christians generally counseled submission to existing political authority – except on religious matters, thus laying the foundations for a separation of church and state. Many Christians preached religious tolerance during the period when Christians were out of power and persecuted by pagans; once imperial power passed from pagans to Christians, however, the Church’s enthusiasm for religious tolerance waned. The otherworldly aspect of Christian teaching fostered a suspicion of commerce; but the influential St. Augustine (354-430 CE) defended commerce as a legitimate human activity. Echoing both Stoic and Hebrew ideas, Augustine also denied that unjust laws had the authority of law, and compared governments to

robber bands; but he regarded submission to government as a necessity in light of humanity's fallen nature. The Christian emphasis on the sacred value of the individual soul laid the foundation for the development of theories of individual rights.

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Epicureanism

Epicureanism was a philosophical movement of Greek and Roman antiquity, **[changed by the editors to "Epicureanism has reference to a philosophical movement of some popularity in ancient Greece and Rome," thus introducing a use/mention confusion; if they meant the word "Epicureanism," why not use quotation marks or italics?]** basing itself on the teachings of the Athenian philosopher Epicurus (341-271 BCE) and propounding an atomistic cosmology, a hedonistic ethics, and a contractarian social theory.

Epicurus was a prolific writer whose collected writings are said to have run to 300 volumes. Nearly all of his writings are lost, however, **[the editors moved "however" to the beginning of the sentence, a stylistic pet peeve of mine]** and must be reconstructed from reports in other ancient writers such as Cicero and Lucretius.

In natural science Epicureans defend an empiricist methodology in which all appeal to supernatural causation or divine intervention is decisively rejected in favor of explanations invoking the interactions of atomic particles. Despite this apparently materialist stance, Epicureans affirm human autonomy, arguing that those who embrace purely mechanistic accounts of human action are implicitly refuting themselves by the very act of freely and purposefully asserting their viewpoint.

In ethics Epicureans enshrine pleasure as the supreme value, but regard the pleasures of inner tranquility and

freedom from mental turmoil as being of far greater importance than merely physical pleasures; they also advise us to extirpate unnecessary desires and learn to be content in modest circumstances. **[changed by the editors to “urged men to be content with modest material wealth,” thus introducing a generic use of “men” which I prefer to avoid]** Since human beings cease to exist when their component atoms are scattered, there is no survival beyond death; yet death is not to be feared, **[changed by the editors to “Because human beings ceased to exist when their component atoms were scattered, and inasmuch as there was no survival of the spirit beyond death, death is was not to be feared,” thus reversing the meaning of my sentence from “Despite *p, q*” to “Because of *p, q*”!!!]** since nothing is bad for us except pain, and death, being the cessation of all experience, is necessarily painless. In the meantime, **[changed by the editors to the rare and odd-sounding “In the meanwhile”]; the editors also add a “however,” thus implying a contrast where I intended none]** Epicureans counsel withdrawing **[changed by the editors to “counsel that men withdraw,” thus introducing yet another undesired generic use of “men”]** from politics and public life to pursue the private goods of friendship and philosophical discussion.

Epicurean social theory contains many anticipations of classical liberal themes. Epicureans are thoroughgoing defenders of spontaneous order, as much in the social realm as in the physical. Just as Epicureans develop a rudimentary theory of natural selection in order to explain the apparent teleology of natural phenomena without invoking a divine designer, so they attempt to account for the emergence of beneficial social institutions without hypothesizing wise prehistoric legislators; in modern terminology, such institutions are the result of human action but not of human design. For example, Epicureans argue that language cannot have been anybody’s conscious invention (since whoever invented it would have had no way of communicating his invention to others) but must have evolved out of the gradual refinement of natural cries and gestures.

Epicureans are also among the pioneers of social contract theory. Against the mainstream of ancient ethics, Epicureans maintain that moral virtue is valuable not for its own sake but only as a strategic means for each individual to secure his own happiness. Justice is seen as originating in a mutually advantageous agreement of rational egoists not to harm or be harmed by one another. Those who see clearly the usefulness of such a contract will be motivated to abide by it without need for the additional sanction of punishment; hence some Epicurean writers looked forward to a day when enlightened self-interest would be so widely understood that laws, military defenses, and other means of coercive enforcement would no longer be necessary.

Epicureans were criticized by their contemporaries for taking a purely instrumental attitude toward other people; but they denied the charge, insisting that it is rational for us to care about others for their own sake – but only because cultivating such an attitude in ourselves is itself likely to bring us **[changed by the editors to “because only by cultivating such an attitude in ourselves would we attain,” thus reversing the direction of my conditional]** most pleasure in the long run.

Among the classical liberal thinkers to acknowledge Epicureanism as a major source of inspiration are David Hume, Thomas Jefferson, and John Stuart Mill.

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Stoicism

Stoicism was [changed by the editors to “*Stoicism* is the term applied to,” though in this case at least they put the term in italics, thereby avoiding a second use/mention confusion] a philosophical movement that dominated Greek and Roman thought from the third century BCE to the third century CE. Its central doctrines include self-discipline, natural law, resistance to tyranny, and an unconditional commitment to duty.

The name “Stoic” derives from the Stoa Poikilē, [changed by the editors to “Stoa Poikilé”] the colonnade in Athens where the movement was founded. The most important of the early Stoic philosophers are Zeno (334-262 BCE), the school’s founder (usually called Zeno of Citium to avoid confusion with Zeno of Elea, author of the famous paradoxes of motion) and Chrysippus (c. 280-206 BCE), a logician who so thoroughly reworked Stoic doctrine as to earn the title of “second founder.” Unfortunately, the writings of these and other early Stoics are lost, and must be reconstructed from ancient reports and quotations. Stoicism has thus had its influence primarily through the amply surviving writings of the later Stoics, namely the Roman statesman Marcus Tullius Cicero (106-43 BCE), the playwright and imperial advisor Lucius Annaeus Seneca (c. 4 -65 CE), and the Greek freedman Epictetus (c. 55-135). (Cicero, an adherent of the skeptical outlook of the New Academy, does not accept Stoic philosophy across the board, but he is in substantial agreement with Stoic ethical and political doctrine, much of which he borrows from the now-lost writings of Panætius and Poseidonius. Seneca and Epictetus, by contrast, are fairly orthodox Stoics.) Another influential Stoic author is the Roman Emperor Marcus Aurelius (121-180). Stoic philosophy also draws heavily on the views of such earlier thinkers as Heraclitus, Socrates, and the Cynics.

The central teaching of Stoic ethics is that nothing is desirable or valuable except virtue; hence a Stoic will be unruffled by the vicissitudes of fortune so long as his personal honor remains intact. For example, a courageous warrior will care about *doing the best he can* to save his city (since *that* is his duty and is in his power) but will not care about *actually* saving his city (since that depends on fortune and is not his responsibility). [the editors removed all the emphases] Several arguments are offered for this position:

- A wise person can be trusted never to be tempted away from virtue; but if anything other than virtue were valuable, such a good would be a potential rival to virtue and so the wise person’s commitment to virtue could not be reliable after all.
- Our happiness will be vulnerable to bad luck so long as we allow ourselves to care about things outside our power; whereas those who care only about their own attitudes and choices can never have their happiness frustrated.
- Each of us should be like a good stage actor, performing without complaint the part that has been assigned to us by God or Fate (regarded by the Stoics as a living and intelligent cosmic fire or energy field [“energy field” removed by the editors as anachronistic, though I disagree] pervading and controlling the universe).
- While human beings start off with an instinctual attachment to their own self-preservation and natural functioning, and initially value reason only as an instrumental means to these more fundamental goals, if we develop and mature properly and become habituated to the use of reason, we will come to value reason as an end rather than as a means, and so the goal of excellent rational activity [“excellent” deleted by editors – but it matters to the Stoics, as to Aristotle, that it not just be any old rational activity] in orderly harmony with other people and with nature will entirely supersede our earlier concerns.

The Stoic ethical standpoint entails a negative attitude toward the emotions. Emotions are not mere feelings but involve cognitive judgments; in experiencing love, fear, anger, and so forth, we are committing ourselves to the judgment that certain external objects are good or bad. But these judgments are false, since nothing is good but virtue, or bad but vice. Since a wise person will not endorse false judgments, in order to become wise we must overcome all such emotions and be governed by reason alone. (The apparently unrealistic character of this advice is mitigated by the Stoics’ clarification that the emotion is to be identified not with the initial involuntary

impression but with our assent to it as a true judgment and a guide to action.)

In politics the Stoics hold to the cosmopolitan doctrine that all human beings are citizens of a single natural community, governed by the natural law of reason which supersedes local manmade statutes. In Cicero's memorable formulation at *Republic* III.33, "There will not be a different law at Rome and at Athens, or a different law now and in the future, but one law, everlasting and immutable, will hold good for all peoples and at all times." Zeno seems to interpret this doctrine in an antinomian fashion, envisioning a utopian society free from such merely conventional institutions as lawcourts, temples, money, or constraints on sexual freedom. Later Stoics make a greater accommodation to traditional mores, in part on the grounds that we can read off our duties from the different social roles in which God has placed us. **[This last rather important clause beginning with "in part on the grounds" was deleted by the editors.]** Stoic writings in the Roman period defend private property and market exchange, and describe the protection of property rights as the central function of the state. Roman law comes to be interpreted as a reflection of natural law, and Roman imperialism as the realization of the universal human community.

The transition from Roman Republic to Roman Empire does not meet with Stoic approval, however. Though the Stoic conception of freedom is primarily inward and psychological, **[changed by the editors to "is primarily a psychological one"]** Stoicism is nonetheless hostile to autocratic despotism, looking back with nostalgia to the pre-imperial days of participatory republicanism and the rule of law. Adherents of Stoicism are numbered among the assassins of Julius Caesar and the would-be assassins of the Emperor Nero.

Stoicism casts a long shadow on later thought. The apostle Paul came from Tarsus, a center of Stoic learning, and cites **[changed by the editors to "frequently cited," thus rendering my true sentence false]** Stoic authors favorably. A forged correspondence between Paul and Seneca ensured the latter's popularity among the early Christians, and such writers as Augustine and Boethius were responsible for incorporating a great deal of Stoic thought into Christian theology. In later centuries Stoicism would exercise a powerful influence on the development of classical liberalism through such works as John Locke's *Two Treatises of Government*, Jean-Jacques Rousseau's *Discourses*, Adam Smith's *Theory of Moral Sentiments*, and the ethical writings of Immanuel Kant.

Of particular significance for the liberal tradition is the Stoic statesman Cato the Younger (95-46 BCE), whose intransigent defense of republican ideals earned him the enmity of Julius Caesar. To his 18th-century admirers Cato was an apt symbol of resistance to despotism. George Washington had Joseph Addison's play *Cato* performed at Valley Forge to inspire his troops. Anonymous tracts hostile to governmental power were often signed with the pseudonym "Cato"; among the most famous are *Cato's Letters* by John Trenchard and Thomas Gordon (from whose work the libertarian Cato Institute derives its name) and New York governor George Clinton's antifederalist pamphlet criticizing the proposed U. S. Constitution (to which Alexander Hamilton replied under the name "Caesar"). **[I myself later advised the editors to drop this last claim about Hamilton (which they did), since Hamilton's authorship is debated.]**

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John Brown

John Brown (1800-1859) was an American abolitionist leader who dedicated his life to the struggle against slavery; his willingness to

employ violent tactics set him apart from many of his fellow white abolitionists, as did his support for full legal and social equality of the races and his own personally egalitarian relations with blacks.

Sternly religious, Brown regarded slavery as an affront against God's law, and felt he had a divine mission to bring about its abolition. (While Brown's Calvinist Puritanism has often been regarded as essential to his motivation, neither his followers nor his backers were predominantly Calvinist; in fact most – including his own sons – were freethinkers of various stripes.) A student of the history of guerilla warfare and slave insurrections, Brown was convinced that concerted private action against slavery could topple the system. In 1851 he helped organize a black self-defense league to resist the fugitive slave law, and personally assisted escaping slaves in the Underground Railroad.

Brown first came to national attention through his participation in the 1855-58 strife over slavery in "Bleeding Kansas," where he and his followers were involved in a number of antislavery operations, including raids to free slaves (at least eleven were liberated and smuggled into Canada), standard military battles, and most controversially, the "Pottawatomie massacre," in which five proslavery (but not slaveholding) men were taken from their homes and hacked to death with broadswords, on the grounds that they "had committed murder in their hearts already." While Brown (unlike his sons) never expressed regret for this latter targeting of noncombatants, he also never repeated it.

In 1857 Brown traveled to New England to meet with prominent abolitionists and raise money for the cause; out of these meetings grew the "Secret Six," a clandestine group of wealthy abolitionists who would finance Brown's next antislavery operation – likewise in Kansas, they assumed. In the following year, radical abolitionist Lysander Spooner published a circular titled [A Plan for the Abolition of Slavery](#), proposing an alliance of blacks and antislavery whites to wage guerilla war against slaveholders in the South itself; **[the editors dropped "itself," thus effacing my intended contrast with "in Kansas, they assumed"]** its authorship was later mistakenly attributed to Brown. In fact, while agreeing with Spooner's proposals, Brown asked Spooner to stop circulating the *Plan*, as it might deprive his own forthcoming project of the element of surprise. In the meantime Brown had been drafting a [provisional constitution](#), intended to govern his own military forces and such territory as they should **[changed by the editors to the less felicitous – and more optimistic – "the territory they should"]** succeed in liberating. A true "social contract," to which no adult could be bound without his or her express consent, Brown's constitution included suffrage for all adults regardless of race or sex.

At last on October 16th, 1859, Brown led eighteen men – thirteen white and five black – to Harper's Ferry, Virginia, and seized the federal armory; his plan was to use it to arm local slaves and lead them on an insurrectionist campaign. But **[changed by the editors to another dreaded initial "However"]** Brown, evidently underestimating local resistance and overestimating the readiness of slaves and antislavery whites to flock to his banner, lingered too long and soon found his position besieged by local militia and then stormed by U. S. troops under the command of Robert E. Lee. **[The editors convert the storming to a second besieging.]** Brown was captured and over half his forces (including two sons) killed.

Spooner attempted to organize a plot to rescue Brown by kidnapping the governor of Virginia, but the plan fell through owing to lack of funds and Brown's own preference for martyrdom. On December 2nd, 1859, Brown was hanged for treason.

Despite being unsuccessful, **[this last clause deleted by the editors]** Brown's raid electrified the nation, terrifying slaveholders and emboldening abolitionists; and Brown has found demonizers and beatifiers ever since, as scholars and activists continue to debate both the moral and the strategic merits of Brown's plan. Some give Brown the credit, or blame, for helping to trigger the Civil War; others speculate that if emancipation had come through Brown-style slave insurrection rather than Union occupation, the freed blacks might have been spared a century of Jim Crow, and the country as a whole spared the federal centralization consequent on Union victory.

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Ralph Waldo Emerson

Ralph Waldo Emerson (1803-1882), a Massachusetts native, was one of the founders of Transcendentalism, a philosophical, literary, and cultural movement that stressed spiritual oneness with nature, reliance on inner experience, and rejection of social conformity. Other prominent Transcendentalists included Bronson Alcott and Henry David Thoreau.

While he began as a Unitarian minister, Emerson's increasing emphasis on feeling and conduct over creeds and external forms led him to resign the pulpit in 1832. Emerson insisted that a human life should be guided more by inner development than by traditions, institutions, and social expectations. This ethical individualism expressed itself in political liberalism, but grudgingly so; while long opposed to slavery, **[changed by the editors to "Emerson long opposed slavery," though in that case they should have added a "had"]** the treatment of Native Americans, **[changed by the editors to "American Indians" – why? just a kneejerk reaction to anything that smacks of "political correctness"?)** and the denial of women's suffrage, Emerson disliked political involvement and felt that social reform must begin with the reform of the individual. But despite an initial tendency to regard reformers as alienated busybodies, Emerson reluctantly became one himself, with the 1850 fugitive slave law playing a role **[changed by the editors to "when the 1850 fugitive slave law played a crucial role," thus transforming into a datable event what I had described as a gradual process]** in radicalizing him; the eventual extent of his political engagement is in fact often underestimated by those who rely solely on his early works. Despite the philosophical complexities of his prose, Emerson also became a popular and influential lecturer, though he was a frequent target of attack as well, first for his heterodox religious views and later for his increasingly militant abolitionism.

Yet for Emerson the scope of political activism remained limited by his greater trust in individual self-transformation than **[changed by the editors to "rather than," thereby wrecking the grammar]** in collective action; while not rejecting the latter, he insisted that to be effective or worthwhile it must be founded on, rather than substituted for, the former. **[The editors changed "the former" to "individual development," which I confess is an improvement.]** Stressing self-reliance in both the material and spiritual spheres, Emerson held that we should seek to direct our own lives and not those of others; hence he concluded that "the less government we have, the better," and came to regard all states of whatever form as corrupt. While not himself an anarchist, he expressed friendliness toward anarchy, opining that "with the appearance of the wise man, the State expires," and pointing to various peacefully stateless episodes in American history (Massachusetts during the American Revolution; California during the gold rush) as evidence of the practicability of anarchism. For Emerson social cooperation was not something that needed to be imposed on society by alien force; on the contrary, each human being is "made of hooks and eyes, and links himself naturally to his brothers."

For Emerson, slavery was not only wrong in itself, but also harmful in its results, not only for the enslaved but also for the enslaver; for instance, **[the editors deleted "for instance," thus leaving the impression that what follows is Emerson's chief reason]** he attributed the South's lower degree of economic development to its reliance on slave labor rather than free industry. Agreeing with the doctrine of such radical abolitionists as Lysander Spooner, Ainsworth Spofford, and his friend Thoreau that no statute contrary to human liberty can possess any binding legal obligation, Emerson expressed admiration for John Brown's attempt to spark a slave insurrection at Harper's Ferry. When the Civil War broke out, Emerson supported the Northern cause – but only on the premise that slave emancipation, not the mere preservation of the Union, would be the outcome of Union victory. Indeed, through his lectures and essays Emerson has been credited with helping to *make* **[emphasis removed by the editors]** emancipation a Union aim in the war (as it had not obviously been at the start). Emerson also maintained that freed slaves should receive both suffrage and financial compensation.

In economics, while Emerson was critical of competitive capitalism for fostering materialism and plutocracy, and worried that the division of labor made individuals less self-reliant, he nevertheless favored "free trade with all the world without toll or custom-houses," and was skeptical of the practicability of top-down, governmentally imposed solutions to social problems. Small wonder that individualist anarchists like William B. Greene and Bolton Hall, who sought to achieve socialist ends by free-market means, found Emerson a congenial spirit.

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The Non-Aggression Axiom

An ethical principle often appealed to as a basis for libertarian rights theory. What the principle forbids under the name of “aggression” is **[changed by the editors to “The principle forbids ‘aggression,’ which is understood to be,” thus obviating the need for quotation marks]** any and all forcible interference with any individual’s person or property except in response to the initiation (including, for most proponents of the principle, the *threatening* of initiation) of such forcible interference on the part of that individual.

The non-aggression axiom has various formulations, but two especially influential 20th-century statements of it are Ayn Rand’s thesis that “no man may *initiate* the use of physical force against others. ... Men have the right to use physical force *only* in retaliation and *only* against those who initiate its use,” and Murray Rothbard’s thesis that “no man or group of men may aggress against the person or property of anyone else.” The label “non-aggression axiom” appears to have originated with Rothbard. **[changed by the editors to: “The axiom has various formulations, but two especially influential 20th-century statements of it are those of Ayn Rand and Murray Rothbard, who appear to have originated the term. Ayn Rand maintained that that ‘no man may *initiate* the use of physical force against others. ... Men have the right to use physical force *only* in retaliation and *only* against those who initiate its use.’ This quote is similar to Murray Rothbard’s thesis that “no man or group of men may aggress against the person or property of anyone else.” The editor’s version now has me claiming, falsely, that Rand and Rothbard coined the term *together* (when in fact Rand was dead set against the use of the term “axiom” in this context); the “quote is similar” language is also a weak segue (and don’t they mean “quotation” anyway?).]**

Some libertarians use the term “coercion” as synonymous with “aggression,” while others use “coercion” more broadly to designate all use of force, including legitimate defensive use; hence the former, but not the latter, would regard the non-aggression axiom as forbidding all coercion. (While the ordinary sense of “coercion” arguably involves involving getting somebody to *do* something – so that simply assaulting somebody would not count as coercion – conformity with this usage is the exception rather than the rule in libertarian theory.)

The axiom is often regarded as virtually equivalent to Herbert Spencer’s *law of equal freedom* (“Every man has freedom to do all that he wills, provided he infringes not the equal freedom of any other man”), or to the principle of *self-ownership*, or both, inasmuch as all three principles specify protected boundaries around each individual (ordinarily understood to include not just the individual’s mind and body but also legitimately acquired external property), within which he or she is to be allowed complete liberty from forcible interference by others, the extent of one individual’s boundary being limited only by the similar boundaries of others.

Actions that would ordinarily count as aggression against an individual become permissible if the individual *consents*, although libertarian theorists disagree amongst themselves as to whether and under what circumstances such consent can be irrevocable (*e.g.*, is a contract to alienate one’s rights over oneself legitimate?). To say that an action is “permissible” under the axiom, it should be noted, is simply to say that the action is not a rights-violation and so may not legitimately be obstructed by force; the non-aggression axiom does not rule out such an action’s possible moral wrongness on other grounds or the possible appropriateness of attempting to combat it by peaceful means. The non-aggression axiom is intended as a rule specifically for actions involving force, and not as a guide to the whole of moral conduct.

This axiom is intended, however, to govern the actions not only of private citizens but of government officials; hence the enforcement of laws or regulations requiring anything more from individuals than their bare abstention from aggression counts as aggression itself and so is prohibited under the principle. The entire range of libertarian rights to personal and economic liberty is thus taken to follow from the non-aggression axiom.

The non-aggression axiom is not to be confused with a call to minimize the total amount of aggression – first, because the axiom is purely prohibitory and does not call for positive action of any kind; second, because the axiom does not countenance, as a minimization requirement might, the inflicting of a small amount of aggression in order to prevent a greater amount (e.g., conscripting citizens in order to deter foreign invasion). The prohibition on aggression thus counts as, in Robert Nozick’s terminology, a *side-constraint* to be respected, rather than a goal to be promoted. To be sure, adherents of the non-aggression axiom unsurprisingly do tend to favour the overall reduction of aggression in society (so long as such reduction can be accomplished without violating the axiom), but the non-aggression axiom *per se* calls for no such commitment.

Some formulations of the non-aggression axiom make specific reference to external property while others do not, but it is widely agreed that the application of the axiom requires some additional principle to determine when the use of a person’s possessions without permission counts as aggression – for unless such use does count as aggression, forcibly preventing such use will violate the axiom. How, then, must one be related to an external object so that another’s appropriation of that object constitutes an appropriation of the possessor? Many attempts to answer this question draw on or develop John Locke’s theory that one acquires just ownership either by mixing one’s labor with previously unclaimed resources or by acquiring resources by consent from already legitimate possessors. Samuel Wheeler, for example, argues that external property is an artificial extension of one’s body and so entitled to the same protection as bodily integrity, while Nozick maintains that seizing the products of another person’s labor is tantamount to forcing that person to labor for one’s own benefit. Thus theft is condemned as an indirect form of force; while fraud is typically condemned as an indirect form of theft (inasmuch as a transfer of property to which consent is obtained under false pretenses is tantamount to taking property without consent).

While the non-aggression axiom prohibits *initiatory* force, it does not specify what forms of *retaliatory* force, if any, are permissible, **[emphases deleted by the editors]** and so is in principle compatible with a variety of positions on this issue, including Rothbard’s view that the victim may inflict on the aggressor an amount of force proportionate to that which the aggressor inflicted; Randy Barnett’s view that aggressors may be coerced only so far as is necessary to restrain their aggression and secure restitution to the victim, but not for retributive punishment; and Robert LeFevre’s view that all force, whether initiatory or retaliatory, is morally impermissible. Thus the non-aggression axiom by itself does not even **[“even” deleted by editors]** specify whether its own enforcement is permissible – though it does specify that no *other* **[emphasis deleted by editors]** principle could be permissibly enforced, since to enforce anything other than non-aggression is a form of aggression.

Proponents of the principle differ as to the basis of its justification, and a variety of defenses have been offered. For example, Nozick upholds non-aggression as an application of the duty to treat persons as ends in themselves rather than mere means; Rothbard argues that to aggress against another person is to treat that person as one’s property, thus introducing an asymmetry of rights inconsistent with the requirement that ethical norms be universalizable; Jan Narveson maintains that a mutual rejection of non-aggression would be endorsed by rationally self-interested contractors; Ayn Rand condemns aggression as a form of parasitism inconsistent with the independent mindset needed for an individual’s successful living; utilitarian libertarians argue, often on economic grounds, that a general commitment to non-aggression will tend to maximize social welfare; Douglas Den Uyl and Douglas Rasmussen regard the prohibition of aggression as part of a “metanormative” framework to protect the conditions within which individuals can pursue their own Aristotelian flourishing; and Hans-Hermann Hoppe holds that inasmuch as the justification of any proposition presupposes a context of uncoerced interpersonal dialogue, no assertion of the right to aggress can be justified without self-contradiction. Less theoretically, the non-aggression axiom is often argued to be simply a consistent application of the common-sense norms that govern ordinary interpersonal morality; we usually deal with our neighbors through persuasion rather than compulsion.

Other controversies over the axiom include what exceptions, if any, may be made to the axiom in emergencies, and whether the use of force against innocent shields (*i.e.*, bystanders to whom harm via “collateral damage” could not be avoided if one were to defend oneself successfully against an aggressor) or innocent threats (*i.e.*, those who aggress through no fault of their own) are to be considered aggression and therefore illegitimate. **[changed by the editors to “whether the axiom permits the use of force against innocent shields. This question arises when collateral damage to bystanders cannot be avoided in the course of self-defense against an aggressor. A further question concerns so-called innocent threats; that is, the actions of those who aggress through no fault of their own, and whether these threats are to be considered aggression and, therefore, illegitimate.” This is one of the worst of all the editorial changes. First, the innocent threat is supposed to be the person, not the person’s actions; second, the question is not, nonsensically, whether the actions of innocent threats are to be considered aggression (there could hardly be such a question, since they’ve just been defined as aggression one clause earlier!), nor yet whether, again nonsensically, they are to be considered illegitimate (since the threat is innocent no question of legitimacy arises, again by definition), but rather whether defense against these innocent threats is aggression and so illegitimate. This garbling of my meaning is particularly distressing since I saw this editorial error in an earlier proof and it was supposed to have been subsequently corrected. Argh!!!]**

The non-aggression axiom has “a long past but a short history.” In some form a prohibition on aggression recurs frequently throughout

human history – as one might expect if it is indeed a generalization of common-sense moral norms. For example, the principle of *ahimsa* (non-violence, non-injury) is central to Hinduism, Buddhism, and Jainism, while the notion of justice as a mutual non-aggression pact is put forward by the Greek philosophers Lycophron and Epicurus, as well as by the character Glaucon in Plato's *Republic*. The *Institutes* of the Byzantine Emperor Justinian define the essence of legal obligation as “to live honestly, to injure no one, and to give every man his due,” while in China Kao-tsu, the founder of the Han dynasty, announced that the only valid laws were those against murder, theft, and personal injury. But in practice the actual content of legislation generally far outstripped these suggested limits; and more broadly the invocation of a non-aggression principle was seldom applied consistently, being usually coupled with the endorsement of institutions and practices (*e.g.*, slavery) that seem strikingly inconsistent with it.

It is perhaps [**“perhaps” omitted by editors**] in the 17th century that the prohibition on aggression begins to bear radical political fruit, when precursors of the non-aggression axiom are employed on behalf of revolutionary liberalism by writers like Richard Overton (“every man by nature being a king, priest and prophet in his own natural circuit and compass, whereof no second may partake but by deputation, commission, and free consent from him whose natural right and freedom it is”) and John Locke (“being all equal and independent, no one ought to harm another in his life, health, liberty or possessions”). With the classical liberals and individualist anarchists of the 19th century, the axiom becomes the foundation of a thoroughgoing libertarian political program; American anarchist Benjamin Tucker, for example, described his fundamental political principle as “the greatest amount of liberty compatible with equality of liberty; or, in other words, as the belief in every liberty except the liberty to invade.”

Not all libertarians accept [**changed by the editors to “There are a small group of libertarians who do not accept,” though it’s far from obvious that it’s a small group**] the non-aggression axiom. Critics, including libertarian critics, of the axiom charge that it offers too simplistic an approach to the complexities of social life and ignores context; or that it is illegitimately absolutistic, disallowing uses of force that might bring beneficial consequences; or that it cannot be unambiguously applied without appeal to additional ethical principles (though not all proponents of the axiom regard this last [**changed by the editors to “last comment”**] as an objection).

Another objection focuses on the term “axiom,” which is sometimes taken to imply that the prohibition of aggression enjoys a special epistemic status analogous to that of the law of non-contradiction, *e.g.*, that it is self-evident, or knowable *a priori*, or a presupposition of all knowledge, or that it cannot be denied without self-contradiction. While some proponents of the prohibition do indeed claim such a status for it, many do not, and accordingly it is sometimes suggested that “non-aggression principle” or “zero aggression principle” is a more accurate label than “non-aggression axiom.”

On the other hand, there is a broader sense of “axiom” in which a foundational presupposition of a given system of thought counts as an axiom within that system of thought [**changed by the editors to “Nevertheless, an axiom can also denote a foundational presupposition of a given system of thought,” thus generating another use/mention confusion**] even if it rests on some deeper justification outside that system; for example, Isaac Newton described his fundamental laws of motion as “axioms” within his deductive system of mechanics, yet regarded them as grounded empirically. In this sense non-aggression might legitimately be regarded as an “axiom” of libertarian rights theory regardless of what one takes its ultimate justification to be.

The non-aggression principle must be distinguished from a number of popular moral principles easily confused with it. The golden rule (“do unto others as you would have them do unto you”), unlike the non-aggression axiom, does not distinguish between negative and positive obligations; nor, again unlike the axiom, does it clearly rule out paternalistic legislation, since paternalists might sincerely prefer that they be coerced themselves should they in future stray from what they presently regard as the true path. The non-aggression axiom should also not be confused with John Stuart Mill’s “harm principle,” which specifies that “the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.” Despite their similarity, the two principles are arguably not equivalent: first, *harm* seems to be a broader concept than *aggression* (outcompeting an economic or romantic rival isn’t aggression, but might count as harm); second, Mill’s principle does not specify that the person to be coerced in order to prevent harm must be the author of the harm to be prevented. The non-aggression axiom should also be distinguished from Immanuel Kant’s categorical imperative that persons are to be treated as ends in themselves and never as mere means; Kant’s requirement is broader, since it forbids *all* forms of manipulative and degrading treatment (even when those so treated consent), and not aggression alone. Finally, the non-aggression axiom is distinct from John Rawls’ principle that each person is to have an equal right to the most extensive basic liberty compatible with similar liberty for others, since Rawls explicitly excludes from his notion of “basic liberty” the freedom to do as one likes with one’s property.

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