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Introduction

Some Objectivists and Libertarians regard R. J. Bidinotto’s 1994 essay “The Contradiction in Anarchism” as a definitive critique of anarchism. For instance, it was cited by Murray I. Franck in support of a charge that “anarchism does not have the ability to protect rights” as if no further evidence were needed (Franck 2000, 150).¹ Other Objectivists have recommended it to me as a ‘must read,’ and it has often been referred to on Internet forums. Plainly, the essay calls for examination.

Missing the Boat

Unfortunately for Bidinotto, however, the first thing to say about his essay is that it missed the boat. Bruce Benson had already demonstrated in *The Enterprise of Law*, published four years prior to “The Contradiction in Anarchism,” that the suppositions underlying Bidinotto’s alleged contradiction are invalid. Benson wrote: “Two conflicting monopoly arguments are presented to justify state provision of police, courts, and law. First, a single law-and-order firm will naturally emerge to monopolize the entire industry, which means that this firm will be able to dictate citizens’ behaviour. A benevolent government monopoly, therefore, is presumably necessary to preserve freedom. Second, there *must* be a single centralized authority of last resort (e.g., a supreme court) to prevent the development of the conflicting (competing) systems of law and the inefficient duplication of services that privatization would generate. If one argument is correct, then the other cannot be—privatized law and order either leads to a monopoly or to a competitive arrangement” [1990, 291]. Benson added: “But in fact, neither argument is valid” and proceeded to show why.

Missing the Facts

A second serious problem with Bidinotto’s essay is that he consistently misstates anarchist positions. For example, he writes: “... the basic premise of anarcho-capitalism is false. *There is no such thing as the ‘right’ to employ force unilaterally—then to remain immune from the requirement to publicly, objectively justify that use of force*” [Bidinotto 1994b, 7]. To this one must object, firstly, that the ‘right to employ force unilaterally’ is *not* the basic premise of anarcho-capitalism. The basic premise of anarcho-capitalism, as of Libertarianism in general, is Ayn Rand’s principle of the non-initiation of force. Secondly, the first clause of the italicised sentence is false; *anybody* has the right to use force unilaterally. It is called the right of self-defense and is one of the fundamental rights underlying the principle of the non-initiation of force. Thirdly, no libertarian anarchist maintains that someone who initiated force would be immune from the consequences of so doing. Protection agencies, for example, would be liable for damages for false arrest, excessive force, etc; and, owing to the need to preserve their reputations in a competitive environment, would be far more responsive to such claims than police forces today, which, being state-created coercive monopolies, do not have to satisfy their ‘customers.’

In another misstatement Bidinotto writes: “the anarcho-capitalist position amounts to the demand that one’s own use of force be *immune* from the moral evaluation and response of others” [ibid.]. This is not at all correct. Modern anarchism evolved in Europe partly as a reaction to the huge disparities in wealth created by state-enforced feudalism (although it mistakenly attributed industrial wealth to the

same source). It was a moral philosophy. The anarcho-capitalism of writers such as David Friedman, Murray Rothbard and Morris and Linda Tannehill, which rectified the mistakes of 19th Century anarchists, was equally concerned with moral evaluation. It was based, first, on respect for individual rights and on the non-initiation of force. Second, it advocated a competitive approach to protection and arbitration to ensure that one's own and others' rights are *actually* respected—a state of affairs yet to be achieved by any government anywhere, whether contemporary or historical. Today, libertarian anarchism is extending the anarcho-capitalists' pioneering work, and because it is based on individual rights, it is first and foremost a *moral* philosophy.

A Failed Attempt at Projection

Bidinotto also attempts to stigmatize as 'anarcho-capitalism' appalling situations which have nothing to do with it. He writes "... we *already* have 'anarcho-capitalism,' replete with thriving 'competing protection agencies'—in Bosnia, Somalia, Beirut, Northern Ireland, South Africa and scores of other anarcho-capitalist paradises—including American inner cities" [ibid., 8]. Yet it is quite clear that the social disorders in those places were, or are, due to past or present *government* actions. The civil wars in Bosnia, Somalia and Lebanon were the result of populations being coerced into state formations they did not want, or by various groups seeking to impose their authority as political powers. The long-running troubles in Northern Ireland are entirely due to the earlier conquest of Ireland by the English state, and also to the policies of successive Northern Irish governments after the division of Ireland in 1921. South Africa's troubles stem from British colonialism—with its imposition (as long before in Ireland)² of state-made law on customary law societies—and from the policies of post-imperial South African governments; while the troubles of US inner cities are exclusively due to such things as corrupt or inefficient state police forces; the impressment of young people into unsuitable

or second-rate state education; unconstitutional legislation such as the banning of recreational drugs; and government welfare policies, which drive out initiative and encourage dependency. As I have previously pointed out [Dykes 1998b, n. 47] and Sechrest also [2000, n. 14], Bidinotto attempts to project onto anarchism evils which are solely due to government.³

Historical Inaccuracy

In other passages, Bidinotto's remarks are not only mistaken but unhistorical. He writes, "What anarchists omit from their basic premises is a simple fact: conflicting philosophies will lead to conflicting interpretations of the *meaning* of such basic terms as 'aggression,' 'self-defense,' 'property,' 'rights,' 'justice' and 'liberty'" [Bidinotto 1994a, 7]. This is simply not true. Anglo-Saxon jurors, medieval Irish *brehons*, Icelandic *godar*, Huron Great Chiefs, Kapaukuan *tonowi*, and the *alcaldes* of California mining camps all understood these concepts in much the same way, and most modern jurists would agree with their interpretations. A telling illustration of this common understanding can be found in the medieval Law Merchant, which emerged spontaneously in widely disparate cultures yet was founded on "the universalizing influence associated with the concept of justice" [Trakman 1983, 11-12]. Although philosophers such as Plato, Hegel and John Rawls⁴ have attempted to alter the accepted meaning of concepts such as justice; and while there have been many variations in penalties for wrongdoing or in the actual scope of law; the *basic* meanings of the terms listed by Bidinotto have been common to all people in all epochs.⁵ There is after all only one reality, and only one form of consciousness capable of identifying its elements.

Elsewhere, Bidinotto writes, "The great social problem is the management of force and coercion. Historically, governments have arisen to address the problem they were established to eradicate [it]" [Bidinotto 1994b, 7]. Again, this is just not true. As Franz Oppenheimer

showed [Oppenheimer 1914] all states were originally established by force for the purpose of exploiting subjugated peoples. Further, as Bruce Benson has demonstrated [Benson 1990, 43ff], government involvement in law-making and justice (in Medieval England certainly) came about as a means of raising revenue. No ‘great social problem of force’ existed, for the simple reason that law and order were already taken care of by effective customary laws which long preceded government. The truth of this was attested to by Peter Kropotkin: “all the institutions which States were to seize later ... all notions of law that exist in our codes ... and all forms of judicial procedure, in so far as they offer guarantees to the individual, had their beginnings in the village commune,” which was a non-state entity “sovereign both as judge and legislator of customary law” [Kropotkin (1898), 18].⁶

Smear by Association

One immediately noticeable aspect of Bidinotto’s essay is his constant conjoining of ‘anarchists’ with mistaken, evil, perverse, dangerous or ridiculous people. Viz: “What theory of... ‘rights’ is to be used? Rand’s? Henry George’s? Lenin’s?” [Bidinotto 1994a, 7]. “Can one imagine what ‘competing protection agencies’ would do to non-conforming individuals in... [an] area dominated by, say, racist skinheads? by Marxists? by rabid fundamentalists?” [1994b, 8]. “And what would a ‘free’ society look like.... Should sex between adults and young children be allowed?” [1994c, 6]. “I’ll take my chances trying to create or reform one agency, rather than a host of ‘competitors,’ each backed by the likes of ... Islamic Jihad, good-ol’-boy bigots, Detroit street thugs, South L.A. rioters ... animal rights activists ... Greenies ... Christian Scientists and god only knows” [ibid., 7]. While one appreciates that this procedure reflects Bidinotto’s (and Ayn Rand’s) expectation that ‘malign chaos’⁷ would ensue in the absence of government, it is distinctly unconvincing. To begin with, as already noted, much of what Bidinotto alludes to stems from state-made

law. Further, lunatic fringe pressure groups only come into being when there is a state for them to influence. Third, historical and anthropological evidence from stateless societies does not support such apocalyptic visions.⁸ Fourth, ‘protection agencies’ devoted to narrow bigotries would be unlikely to win many customers in a non-coercive, open market for the protection of individual rights. Lastly, Bidinotto’s method rather smacks of smear by association, which is not acceptable in any debate.⁹

False or Non-Existent References

Another obvious flaw in Bidinotto’s essay is that he does not tell us whom is being referred to when the views of ‘anarchists’ are discussed. He does mention Roy Childs and the Tannehills, but for the most part anarchists are said to ‘believe,’ ‘omit,’ ‘say,’ ‘proclaim,’ ‘forget,’ ‘think,’ ‘support,’ ‘deduce away,’ ‘declare,’ etc, without reference to any anarchist or anarcho-capitalist actually uttering the words Bidinotto puts into their mouths.

More seriously, on three occasions when he does mention specific anarchist writers, Bidinotto’s presentation of their views is either misleading or inaccurate. Witness this dismissal of Murray Rothbard: “anarchist rationalists, such as Murray Rothbard, haven’t yet figured out that ‘force’ is not just like any other good or service on the marketplace” [1994b, 7]. This is not at all an accurate depiction of Rothbard’s thinking. Any one of his works demonstrates beyond question that he held no such misconception as the one Bidinotto—without any citation—attributes to him. What Rothbard did hold was that protection and arbitration had once been provided without government and that there was no reason why they should not be so again.

A second anarchist writer mentioned is Lysander Spooner: “After all—wrote anarchist Lysander Spooner a century ago—I didn’t sign the Constitution, did I?” [1994a, 8]. Any admirer of Spooner is instantly alerted because

the alleged quotation simply does not sound like Spooner. Besides, quotations without references are not normally regarded as reliable. Bidinotto also wrongly accuses Spooner of attacking a straw man. He asserts: “*the Constitution is not a ‘contract’ requiring anyone’s signature...*” [1994b, 8]. But that is precisely what Spooner, writing not long after the American Civil War, was pointing out. The US federal government had treated the Southern States as ‘rebels’ who had broken a pact of allegiance. Spooner was correctly noting that, in law, no such pact existed. If it ever had, it was between the original signers of the Constitution and had expired when they did. There was no legal way in which the Constitution could be binding upon their posterity.¹⁰

A third libertarian writer referred to without proper reference is Walter Block. Asserting that widely different attitudes can occur among supposedly like-minded people, Bidinotto writes: “... Objectivists on the Internet couldn’t agree whether Detroit street gangs are merely sociopathic thugs (Bidinotto’s view)... Whether they rob, beat and kill because they like it (Bidinotto’s view, echoing Dirty Harry), or because the poor lads are rebellious, anti-state ‘heroes,’ reacting ‘defensively’ to the fascistic forces behind the War on Drugs (libertarian Prof. Walter Block’s view, from his book *Defending the Undefendable*)” [ibid., 9]. In point of fact, Block’s book was published before the expression ‘War on Drugs’ became current, and the one mention of gangs in his two chapters on drug-related issues reads, “Vigilante groups and street gangs in the inner city ghetto areas have inflicted their own punishment on drug pushers and addicts” [Block (1976) 34], a statement which hardly accords with Bidinotto’s reporting. In private correspondence, Walter Block has confirmed that the view attributed to him by Bidinotto is false.¹¹

Misquoting Adam Smith

World-renowned figures such as Adam Smith fare no better: “Anarchists imagine that the

‘invisible hand’ of the marketplace will work in the place of government. But read what Adam Smith had to say about businessmen in that famous ‘invisible hand’ passage. Smith knew that government was a pre-condition of the free market, and of the working of the ‘invisible hand.’ Without government, the ‘invisible hand’ becomes a closed fist, wielded by the most powerful gang(s) to emerge. Why? Because government defines the rules of the playing field” [Bidinotto 1994a, 7].

This is an egregious misrepresentation of Smith. The ‘invisible hand’ passage occurs in Book IV of *The Wealth of Nations*—Smith’s presentation/critique of the ‘mercantilist’ system—and forms part of Chapter II, which is concerned with restraints on the importation of goods. The passage talks not about businessmen, but about “every individual” who “neither intends to promote the public interest, nor knows how much he is promoting it.... [H]e intends only his own gain, and he is in this, as in many other cases, led by an invisible hand to promote an end which was no part of his intention” [Smith (1776) 400]. Certainly Smith criticised businessmen, but not in this passage.¹²

Nor did Smith say anything about government being a pre-condition of the free market. Indeed, this was not Smith’s view. Not being an Adam Smith scholar, I invited someone who is to comment on Bidinotto’s remarks. Dr Ingrid Merikoski, an independent scholar at a private foundation, and author of *The Wisdom of Adam Smith*, replied: “I must confess that in my reading of Smith, I have not understood him to hold this view While Smith believed that civil government plays an instrumental role in protecting the security of private property, and that government must support the regular administration of justice to facilitate the free production and flow of manufactured goods and commercial services, it does not seem to me to follow that he believed government is a pre-condition for free market activity per se...”¹³

Dr Madsen Pirie, President of the Adam Smith Institute in London and a leading British authority on Smith, upheld Ingrid Merikoski's judgement. When asked to comment on Bidinotto's statement that "Smith knew that government was a *pre-condition* of the free market," Pirie stated firmly: "That is not true. It does not represent Smith's views. Smith knew that free markets had arisen in areas where there was no government. Pre-condition? Certainly not."¹⁴

Misquoting Ayn Rand

Another well-known figure called upon is Ayn Rand. Bidinotto writes: "Ayn Rand argued that government was a means of subjecting might to morality" [Bidinotto 1994b, 8]. I have not been able to find out where (or if) Rand said this. She did say, in "Man's Rights" that "*Individual rights are the means of subordinating society to moral law.*" [Rand 1963a, 92]. And, in "The Nature of Government," she wrote that "... a government official may do nothing except that which is legally permitted. This is the means of subordinating 'might' to 'right'" [Rand 1963b, 110]. Bidinotto may have conflated these two statements. Even conflated, however, his phrasing in no way captures the sense of Rand's words.¹⁵

A Saga of Error and Illogicality

Much more could be said both in criticism of Bidinotto's essay and about his evident lack of understanding of libertarian anarchism. But attention will be restricted to a final illustration of his style and approach. He writes: "Anarchists can't evade this dilemma [over the need, or not, for a final arbiter] by making nostalgic historical excursions to the alleged anarcho-capitalist paradise of ancient Iceland or to hypothetical science-fiction Utopias of the future. Indeed, the very fact that the purported Icelandic model didn't last (it succumbed to invasion), ought to tell us something about the viability of any science-fiction model of the future" [Bidinotto 1994a, 8].

One's first complaint concerns Bidinotto's attitude to logic and evidence. Medieval Iceland was without question an anarchy, a stateless society,¹⁶ yet individual rights were protected by an objective legal code known to all, and by a court system accepted by all. As an independent society, Medieval Iceland lasted from circa 870 to 1264CE—the same length of time, from first settlement, as the entire history of the United States. Just this one example of a long-lasting, viable, stateless society is sufficient to invalidate the proposition that government is essential to protect rights, the case defended by Bidinotto.¹⁷ His reaction? To dismiss the evidence as 'nostalgic,' 'alleged,' 'purported,' which is a version of the logical fallacy of *argumentum ad hominem*. He adds that the society 'didn't last,' which is clearly untrue; it lasted for centuries.¹⁸

Second, Bidinotto suggests that the social system of Ancient Iceland was not viable because it succumbed to invasion.¹⁹ This is historically false, but it is interesting to consider the proposition as if it were true. Viz: a horde of foreign thugs whom you are not strong enough to resist destroys your free way of life and imposes an alien system of government on you—and *you* are to blame, for not being strong enough? On this argument, plainly, the Hungarians and Czechoslovakians were in the wrong when Soviet tanks crushed their uprisings in 1956 and 1968, and the Kuwaitis equally so when Iraq's huge army swept into their little country in 1990. Bidinotto's remarks clearly imply that might makes right.

To conclude, one might say in defense of Bidinotto that perhaps "The Contradiction in Anarchism" was intended as informal journalism, not scholarship. Nonetheless, its flaws and errors are so numerous that, whatever its author's intentions may have been, his essay is far from being a 'definitive critique' of anything.

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Notes

(1) Franck also called on Ayn Rand, whose attack on anarchism is analysed in Dykes 1998. See also Block 2002, and Sechrest 2000, n. 14.

(2) Peden 1977 records how Ireland's private lawgivers, the Brehons, were hunted down by the English invaders.

(3) Some months after this paper was completed an Internet debate between Bidinotto and Roderick Long was drawn to my attention. Long makes several of the same points as this essay. The debate can be followed at: <http://praxeology.net/unblog12-03.htm#02>

<http://bidinotto.journalspace.com/?entryid=55>

<http://praxeology.net/unblog12-03.htm#14>

<http://bidinotto.journalspace.com/?entryid=56>

(4) This passage added due to a comment from UPR.

(5) Pospíšil disagrees with this view [1971, Ch. 7] but his denial of universal concepts of justice clearly conflicts with his discovery and description of universal principles of law.

(6) For elaboration of these points see my essay “The Facts of Reality”, loc. cit.

(7) The expression ‘malign chaos’ was coined by George Woodcock [1962, 8].

(8) See “The Facts of Reality”.

(9) UPR commented: “A better retort to Bidinotto ... might be ...[that] ... in an anarchistic environment one can change protection agencies. If there had been no monopoly structure in place, ready to capture and exploit, would the Bolsheviks or the Nazis have been as harmful as they were?”

(10) Cf Locke (1690)1994, 346-7.

(11) Walter Block, 7 April 2003, private email, quoted with permission.

(12) Peter Saint-André has pointed out to me that Smith used the same phrase earlier.

See <http://maxspeak.org/gm/archives/00000284.html>

(13) Ingrid A. Merikoski, 7 April 2003, private email, quoted with permission.

(14) Madsen Pirie, telephone conversation, 30 April 2003, quoted with permission.

(15) Another well-known figure referred to is Ludwig von Mises: “read his Bureaucracy” we are instructed [Bidinotto 1994b, 7]. But, in the

absence of a citation, the relevance of the book is hard to discern.

(16) UPR argued that the existence of the Althing, which he described as a ‘single national legislature,’ makes the case less clear cut. I dispute this. First, the Althing was a precedent-setting court, not a legislature in the modern sense. Second, the laws it produced—basically modifications of existing customs effected through consensus and compromise—bore no resemblance to state-made, fiat law. Third, the Althing had no means of enforcing its rulings, a fact which removes Ancient Iceland entirely from the category of ‘state.’

(17) I remain grateful to David Kelley for reminding me, some years ago, that a single negative instance is sufficient to invalidate a universal affirmative proposition.

(18) British Libertarian Kevin McFarlane riposted, in a private communication: “How long did the American ‘limited government’ last compared to Iceland’s [system]? This should tell us something about the viability of limited government.”

(19) There was no invasion. The Icelanders reluctantly became a fiefdom of Norway in the hope of restoring peace after 30 years of strife caused by the attempts of rival chieftains to carve Iceland into European-style principalities [Byock 2001, 351ff]. The ‘invasion’ was by European ideas of feudalism.