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With the end of the Civil War, America passed over a great watershed. After 1865, the government grew larger and ever more powerful; agriculture became less significant than industry. Cities such as New York, Philadelphia, Chicago, and Boston grew to mammoth size; the frontier line between white and Indian civilizations dissolved. Railroads spanned the continent; new industries such as steel, rubber, and oil grew ominously larger.

The world Spooner was born into had changed. He welcomed the inventions, the expansion, and the progress. The persisting poverty, he believed, could be eliminated through his *New System of Paper Currency* (1861). Virtually every occasion provided an opportunity for him to expand his economic ideas. Reconstruction, the lawlessness in the Montana gold fields, a fire in Boston, discontent in the West, and the severe economic depression from 1873 to 1879 — all these elicited letters and pamphlets from him.

With the war barely ended, Spooner submitted an article to the leading periodical in the South, *DeBow's Review* — “Proposed Banking System for the South” (August, 1866). Here he claimed that adoption of his system would instantly double the value of all real property in the South. “It would at once establish credit in the North and in England, and enable her [the South] to supply herself with everything she needs.” Social ends would be realized, too, because “the benefits of this increased wealth, industry and credit would not be monopolized by the whites, but would be liberally shared in by the blacks as a necessary result from the increased demand for their labor.”¹

¹ Lysander Spooner, “Proposed Banking System for the South,” *DeBow's Review*, new series, II (August, 1866), 155.

The article struck an immediate response from correspondents throughout the South who wrote for copies of his *New System of Paper Currency* (1861). Kenneth Rayner of Raleigh, North Carolina, was typical of many. Rayner saw hope in Spooner's bank, "inasmuch as all I have left from the wreck of the war is valuable real estate lying in No. Ca. — Tenn. — Arkansas — and Mississippi."²

Spooner also sought out leaders in the West in hopes of seeing his land bank adopted there. His old friend from Ohio days, Hezekiah Hosmer, had continued buying and selling Western land, and in 1866 was in Virginia City, Montana, — a gold rush area. Hosmer was Chief Justice of Montana Territory, but spent most of his time speculating in gold claims. In reply to Spooner, he wrote: "I hope it will be successful for if I fail in quartz, after a year's longer residence here, I want to return to the states, and I hope you will have something for me to do there."³

Another old friend, once a fellow boarder in Boston, Daniel McFarland, was travelling westward — after he barely escaped conviction in a notorious murder trial in New York. McFarland had travelled through Ohio, Indiana, Colorado, Wisconsin, Arkansas and other Western states. Spooner sent him a pamphlet and wrote, "The system would be worth everything to the West if they would adopt it." Without evidently understanding the difference between Spooner's and the government's paper money, McFarland replied that he had "become what they call a 'Greenbacker.' I am for an entire paper currency and nothing else unless silver for small change, as a matter of convenience."⁴

When a large part of Boston burned down in 1872, Spooner quickly published *A New Banking System: The Needful Capital for Rebuilding the Burnt District* (1873). In the Depression of 1873 (which lingered into 1879), he put out a series of short pamphlets — *Our Financiers* (1877), *Law of Prices* (1877), *Gold and Silver* (1878), and *Universal Wealth* (1879). But his arguments aroused little stir and few hopes. Except for some friends in Boston, such as Benjamin Tucker or Josiah Warren, these works were ignored.

Spooner's economic theories were no more out of date or inadequate than Greenback ideas. But the latter were more popular — particularly among the politicians — because they called for an extension of government. Greenbackers wanted the government to control currency so that prices would be

² Kenneth Rayner to Lysander Spooner, April 27, 1867. Spooner Papers, New York Historical Society.

³ Hezekiah Hosmer to Lysander Spooner, September 23, 1866. Spooner Papers, New York Historical Society.

⁴ Lysander Spooner to Daniel McFarland, February 6, 1879; Daniel McFarland to Lysander Spooner, February 16, 1879. Spooner Papers, New York Historical Society.

high, interest rates low, and debts deflated. Those who had wealth opposed any move toward inflation; yet they used the government to uphold the gold standard, which they believed essential to their prosperity. Spooner's plan called for no government action; therefore, his ideas had no appeal to officeholders or to those seeking office, regardless of whether they represented the possessors or the dispossessed.

As his ideas failed to gain acceptance, Spooner increased his attack on the government. He saw individual rights squashed by the factories, by the political machines, and by the monopolies; consequently he sharpened his call for justice. Daniel McFarland wrote in 1886, "I take you to be an anarchist of moral suasion; am I right? or rather that you would advocate the abolition of all human laws that Natural Law might work unimpeded."⁵

What is probably Spooner's most memorable writing appears in his anarchist pamphlets. Faced with the evils of Reconstruction — special favors to business, military occupation of the South, corruption, and abandonment of abolitionist ideals — Spooner put out a series of sharp pamphlets — *No Treason*, numbers one and two (1867) and number six (1870). Intravening numbers were never written.) Spooner's analysis of Reconstruction is sound and sensible. He says,

"All these cries of having 'abolished slavery,' of having 'saved the country,' of having 'preserved the union,' of establishing 'a government of consent,' and of 'maintaining the national honor,' are all gross, shameless, transparent cheats . . ." (No. VI, p. 58)

These were only slogans used to compel "the people to pay the cost of the war" and to support a government they did not want. Rebellion, Spooner urged, was "No Treason." Indeed, rebellion itself, or a government in crisis, was a sign of a dysfunctional if not a tyrannical regime; in either case, it was best ended and replaced with something better.

Although lacking formal ties before 1870 with other American anarchists, Spooner knew many of them well. Stephen Pearl Andrews, whose *Science of Society* (1852) summarized so many anti-state ideas, corresponded with Spooner and, in 1847, contributed money which helped Spooner to finish *The Unconstitutionality of Slavery*.⁶ His ties with Josiah Warren — "The First American Anarchist" — were even closer. After utopian experiments in Ohio, Indiana, and New York, Warren returned in 1863 to the metropolitan Boston area and remained there until his death in 1874. Many

⁵ Daniel McFarland to Lysander Spooner, July 12, 1886. Spooner Papers, New York Historical Society.

⁶ Lysander Spooner to Stephen Pearl Andrews, March 31, 1847. Spooner Papers, New York Historical Society.

years later, Clarence Lee Swartz (another anarchist activist and publisher) recalled that “during the last months of Warren’s life . . . , he, [Edward] Linton, [another anarchist], and Spooner were a notable trio together.”⁷ Moreover, Spooner’s own *Trial by Jury* (1852), and his *No Treason* (1867, 1870), became almost classic anarchist works.

Before the 1870’s many different individuals had attacked state power, but there was no anarchist “movement” as such. The main impetus to organize arose from the disastrous depression of 1873, which seemed to highlight the failures of both industry and government. The railroads — often used to illustrate the triumph of American enterprise — suddenly collapsed in virtual bankruptcy. The country was beset by strikes which by 1877 seemed to augur a civil war between industry and labor. The United States government — so vigorously praised by politicians — looked ludicrous during Grant’s presidency, and the disputed presidential election of 1876 did nothing to restore confidence in the system.

Benjamin Tucker brought several anarchists together in the Boston area. As a student at M.I.T. (1870–1873), Tucker was converted to Warren’s individualist ideas, and he dropped out of college to study Proudhon. In a climate of criticism and disappointment a group, which included Spooner, gathered around Tucker. Older men such as Ezra Heywood or William B. Greene, as well as younger men — Victor Yarros, Joseph Labadie, or Tucker — joined in denouncing state power.

Their first publication was *The Radical Review*, a short-lived periodical of four numbers (1877–1878), which Tucker edited during the depression. It included three articles by Spooner on problems of the economy. Tucker followed with another periodical of wider circulation, the anarchist newspaper *Liberty*, which began in 1881 and ran almost continuously until 1908.

These men shared certain distinctive principles not adhered to by others in the anarchist movement. For one thing, they did not engage in bombings or assassinations. Yet, they often defended assassins, and sometimes approved philosophically of violent revolution. The first page of *Liberty*’s first issue (August 6, 1881), featured a picture of the assassin of Czar Alexander II, and included a defense of Russian nihilism. Spooner himself wrote several articles defending Charles Guiteau, the assassin of President Garfield. He denounced the politicians and editorial commentators: “That anyone has a right to be so insane as to kill a president, is what they cannot comprehend . . .”⁸ (December 24, 1881). Because of patronage and graft, presidents were understandably vulnerable to revenge and murder. To

⁷ C.L.S., “The First American Anarchist,” *Liberty*, XV (April, 1906), 53.

⁸ James J. Martin, *Men Against the State* (DeKalb, Illinois, 1953), 216.

mourn a president's passing more than another person's is to assume he has some special divinity the rest of us lack. Spooner also defended the martyrs at Haymarket Square — arguing that they were not receiving a fair trial — and suggesting legal points that might lead to their release.⁹

Although Tucker's group might be lukewarm toward acts of terror, they differed only to a degree on the question of violence from anarchists such as Johann Most (1846–1906), Alexander Berkman (1870–1936), and Emma Goldman (1869–1940). The critical distinction between the two groups came on the question of socialism.

Tucker and his group staunchly defended bourgeois values; they strictly opposed any social or community control of property. Spooner, for instance, wrote in 1886 that:

“the right of property is the right of supreme, absolute, and irresponsible dominion over anything that is naturally a subject of property, — that is, of ownership. *It is a right against all the world.*” (Cleveland, pp. 32–33)

Johann Most and his group were socialists who envisioned a collective community in which values such as property would disappear. A writer in *Liberty* condemned Most as “a Communist sailing under the flag of Anarchism. . . .”¹⁰ Spooner would doubtless have agreed, but he did not live to follow the long feud between the socialist and individualist anarchists; when he died in 1887, Emma Goldman and Alexander Berkman were still in their teens.

In his final years, Spooner found inspiration, a platform and an audience in Benjamin Tucker's *Liberty*. He regularly contributed topical and current articles on Guiteau, the Supreme Court, Andover Theological Seminary, polygamy, fast proclamations, Chinese Gordon, and the Haymarket demonstration. Spooner could be in turn scornful, ironic, and humorous. His scathing attack on the hypocrisy of Benjamin Butler's fast proclamation, or his analysis of Republican laws on polygamy, are worthy of H. L. Mencken. In July, 1882, Spooner wrote:

“If Congress were really waging an honest war against unchaste men, or even unchaste women, or even religious hypocrites and imposters, they would not need to go to Utah to find them. And the fact that they do go to Utah to find them — passing by the hundreds of thousands of vicious persons of both sexes at home, and the religious hypocrites that are not supposed to be very scarce anywhere — is proof of their hypocrisy; and of their design to make political capital for themselves, by currying favor with bigots and hypocrites, rather than to promote chastity on the part of either men or women.”

Spoooner's letters to Thomas F. Bayard, his letter to Grover Cleveland,

⁹ *Liberty*, December 24, 1881.

¹⁰ *Liberty*, December 11, 1886.

and his essay "Natural Law," go beyond mere day to day commentary and attempt to lay out a comprehensive political and economic philosophy. (These were all published in *Liberty* and were reprinted as pamphlets: *Natural Law*, 1882; *Letter to Bayard*, 1882; and *Letter to Grover Cleveland*, 1886.) Each work is necessarily incomplete—the letters because they simply respond to speeches by Bayard and Cleveland; *Natural Law* because it is only "Part I" (twenty-two pages) of a projected series. Nonetheless, when taken together with the *No Treason* pamphlets (1867–1870) and *Trial by Jury* (1852), they provide an outline of Spooner's philosophy of government.

The key question for an anarchist is how to combine complete individual freedom with some form of effective social co-operation.

Spooner answered that community service and other social action could be realized voluntarily. He argued that "under the principle of individual consent, the little government that mankind need, is not only practicable, but natural and easy . . ." (*No Treason*, No. 1, p. 14) To be free, a government must rest on the consent of everyone who participates in it. Any government can call itself free, and it is to those who *voluntarily* support it. But when a government resorts to force and coercion—no matter how just or noble the cause—it becomes a tyranny to those compelled to support it "against their will." (*No Treason*, No. II, pp. 12–13)

Spooner's system of voluntary government would rest on the two ancient principles of English liberty—no taxation without representation and trial by jury. Although never developed fully, Spooner's views on taxation are quite clear. A government, as any other institution, must depend "on purely voluntary support." (*Letter to Cleveland*, p. 71) Taxes would be given by the people, not taken from them; if a citizen disapproved of his government, he could simply withhold taxes.

There would be, of course, little need for government under Spooner's system. He called for an immediate end to the state monopolies over currency, post offices, and administration of justice. Such services could be best performed by voluntary stock companies. As many companies as the market would bear could be organized and, in the competition, a citizen could shop for the cheapest and most effective service. What government remained would evidently be broken into smaller subdivisions with its functions clearly distinguished; a citizen could then pay only for those services he used.

Although Spooner wrote a whole book on *Trial by Jury* (1852), he left his ideas on voluntary justice as incomplete as those on taxation. The book had been largely historical and only hinted at a true judicial system; Spooner had hoped to bring it up to date and to add a section on voluntary justice. In 1871, he wrote a correspondent thanking him for details on

Louisiana's laws. "In a future publication," he promised, "I intend to give various instances, in which governments or associations for the maintenance of justice have been sustained by purely voluntary action."¹¹ In *A Letter to Cleveland* (1886), Spooner expected each person could be "his own judicial or executive" agent, and he explained how conflicts between different individuals could be worked out. One could negotiate a written contract with others to establish: "An association for the maintenance of justice," which "should be formed upon the same principle as a mutual fire or insurance company. . . ." (p. 105) An individual who had litigation would have no more expense than one devastated by fire, if he belonged to an association.

Problems of justice might seem insurmountable in our present society, with its crimes, murders, and rapes. But Spooner believed a proper economic system founded on his voluntary banking-currency ideas would eliminate such injustices. Beyond these conflicts, there were thousands of civil cases involving property disputes. Spooner argued that these were the result of too much state legislation; throw out *all* the established laws, depend on simple natural law, and most litigation could be settled more quickly and simply.

His system admittedly depended on the existence of a natural law. Today we are rather skeptical of such law; our behaviorists and psychoanalysts have shown how seldom men follow principles of reason. Before rejecting Spooner's ideas of natural law, we might ponder carefully his alternatives: either there are normative standards making justice possible, or there are no standards but force and violence. He laid it out clearly:

"If there be, in nature, no such principle as justice, there is no moral standard, and never can be any moral standard, by which any controversy whatever, between two or more human beings, can be settled in a manner to be obligatory upon either; and the inevitable doom of the human race must consequently be to be forever at war; forever striving to plunder, enslave, and murder each other; with no instrumentalities but fraud and force to end the conflict." (*Natural Law*, p. 15)

In passing from the present to the better society, Spooner believed a revolution would probably be necessary, and he believed that revolution would be based on people awakening to a true understanding of natural law. Present government was illegal, with no more right to rule than a band of pirates or thieves. When men recognized this farce, they would rise in united revolution. Spooner began as a lawyer and to the very end, as Tucker noted in his obituary, he expected "that his next pamphlet would

¹¹ Lysander Spooner to John A. Thomson, March 15, 1871. Spooner Papers, New York Historical Society.

capture the lawyers and through them the world.”¹² His hope rested not in lawyers themselves but in natural law — a subject available and self-evident to all people. Once the people awoke to their rights, they would kill their rulers. If natural law was fully understood, revolutionaries when brought to trial could appeal beyond the government officials, beyond the legislatures, and beyond the judges, to the people sitting in the jury boxes.

¹² *Liberty*, May 28, 1887.