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Lysander Spooner and Natural Rights

(Vices Are Not Crimes. By Lysander Spooner. Taanstaaf, PO Box 257, Cupertino, CA 95014, USA. \$2.95)

“Vices Are Not Crimes” was an essay contributed anonymously by Lysander Spooner to a book on temperance reform by Dio Lewis in 1875. Overlooked by the compiler of Spooner’s collected works, it was discovered by Carl Watner and is now republished as a well produced but rather expensive pamphlet.

Spooner’s thesis is that “crime” and “vices” are not the sure thing. “Crimes” are these acts by means of which one individual harms the person or property of another. “Vices” are simply errors which an individual makes “in his search after his own happiness”. Government therefore has no business interfering with “vices”. Its sole concern should be with the punishment of “crime”.

Spooner argues his thesis with his usual display of tight-wired reasons expressed in the clear, dry style that is his hallmark. But he seriously weakens his case by his attachment to a moralistic viewpoint. Indeed, “vice” is a moral spook of the first water and his attempt to identify it with an error made in “the search after happiness” is open to all manner of objections. For example, if I rush across a busy street on my way to see a film I have long looked forward to and am knocked down by a car, I certainly make an error in my “search after happiness”, but this can hardly be called a “vice”.

Again, Spooner’s deistic beliefs lead him to personalise “Nature” in such fantastic statements as “Nature knows...what she designs each individual for, what knowledge he requires and how he must get it.” To which one can only answer: Bullshit! Voltairine de Cleyre, who also knew how to personalise “Nature” when it suited her, effectively put the contrary case to Spooner when she wrote “Nature knows nothing of rights, she knows power only, and a louse has so much natural right as a man to the extent of its power.”

Of course, that arch-moralist Murray Rothbard, who introduces the pamphlet, is not slow to seize on Spooner's moralism and elaborate it. He dismisses Spooner's successors in the "individualist anarchist movement" who "led by Benjamin R. Tucker all proclaimed arbitrary this and might-makes-right as the foundation of libertarian moral theory." Spooner, he claims, "knew that this was no foundation at all; for the State is far mightier than the individual and if the individual cannot use a theory of justice as his armour against State oppression, then he has no solid base from which to roll back and defeat it."

What pious nonsense! What State has ever taken any notice of a "theory of justice" as a barrier to its oppression of the individual? Hitler never repealed the Weimar Constitution, but the "theory of justice" that it contained did not prevent him from suppressing anyone who stood in his way. Only counter-power can curb the power of the State in practice, for "right" means nothing in the face of "might".

Rothbard also wants to recapture "the once great tradition of an objectively grounded rights of the individual". Objectively grounded in what? Rothbard does not say, not surprisingly since his "objectivity" has no other ground than his "subjectivity". Indeed, the whole theory of "natural rights" is based upon nothing but the say-so of its champions. If we look at nature we find nothing there that corresponds to it. It has no referent except the wish of certain theoreticians to foist their particular conception of morality upon us.

"Vices Are Not Crimes" is completed by a forward by Carl Watner and Tucker's obituary of Spooner.

Inconvenient History

(The Saga of Hog Island and Other Essays In Inconvenient History. By James J. Martin. Ralph Myles Publisher, Inc. \$3.95)

In this latest collection of essays, James J. Martin exhumes one of the biggest defence and war scandals of World War 1 in the USA, the shipbuilding yard known as Hog Island. He acidly delineates the decline of Britain as a world power following participation in World War 2. In a controversial piece on Mussolini's campaign against the Mafia, he claims that Mussolini's regime was not repressive as it was usually depicted. The attack on Pearl Harbour is shown by him to have been deliberately allowed by the Roosevelt government in order to provide a cogent excuse to declare war on the Axis powers. He deplores the legend of Colin Kelly, a now forgotten "hero" of the Japanese attack on the Philippine Islands. In his final essay he gives a masterly account of the legal framing of "Tokyo Rose", a Japanese-American woman named Iva Toguri D'Aquino who was accused of being a radio propagandist for Japan between 1941 and 1945 and who, after a long fight, was completely pardoned by President Ford just before he gave way to President Pepsodent.

Three appendices deal with the hypocrisy of the American State on blacklisting, the "Morgenthau Plan", nude public in 1944, "for the partitioning, devastation, pillaging and pastorilization of Germany", and "Fifty Years of Political Assassination", a beautifully ironic and succinct account of one of the expanding industries of our time.

S.E.P.