

Institutionalized Tyranny: the Scourge of our times

SUMMARY: in this essay we examine the problem of institutionalized tyranny. The state has in recent decades grown increasingly tyrannical and arbitrary, but it is not clear that it is acting in the interest of a clearly identified ruler or set of rulers. Rather, we argue, on the basis of classical liberal social theory, classical political philosophy, and the liberal analysis of class conflict, that it is essentially an ideological development that is at the root of the problem. Classical ideas about the proper role of government as guardian of the common good and of justice narrowly conceived has been jettisoned, and instead people increasingly turn to the state to secure their material and especially intellectual or spiritual happiness.

Finally, we suggest that as the cause of this tyranny is essentially in the realm of ideas, the proper way to resist it and counteract it must also be primarily an intellectual matter.

Introduction

In modern political thinking, questions about government mostly revolve around what is the proper functions and sphere of the state: what part of society is it necessary and just to organize through the state, that is, with the use of coercion, and what can be left to the free action of the members of the community? To classical liberals and libertarians, the role of government is strictly limited: Some, such as Frédéric Bastiat and Ludwig von Mises¹ see the role of government as essentially being a “nightwatchman state”, as Lassalle sneeringly called it; others, such as Friedrich von Hayek, allow that some provision of basic services and the alleviation of poverty may be within the purview of the state; while again others, Murray Rothbard² and Hans-Hermann Hoppe³, for instance, go to the extreme of rejecting any just or necessary role for government and coercion at all.

Common to all these thinkers is the central importance of the right of private property, the freedom of contract, and the right to be left alone, unmolested by the state, so long as one acts within one’s rights. They can all be called liberals if we accept Ralph Raico’s description of liberalism:

[W]here monarchical absolutism had insisted that the state was the engine of society and the necessary overseer of the religious, cultural, and, not least, economic life of its subjects, liberalism posited a starkly contrasting view: that the most desirable regime was one in which civil society – that is, the whole of the social order based on private property and voluntary exchange – by and large runs itself.⁴

Curiously, however, these thinkers do not emphasize the threat of tyrannical government, as they focus on exposing false justifications for government actions, the bad consequences of an overweening state, and the illegitimacy of modern welfare states. Since the state has grown so big as to impinge on practically all spheres of life, making it impossible to live and act without the permission of some bureaucrat somewhere, and always subject to the risk of intervention by hyperactive politicians, a fair argument can be made that modern governments by their very nature are tyrannical. Yet to see this, we will have to go beyond modern liberal thinkers and back to an older tradition in political thought – not thereby denying the insights of the liberals, as we

1 Mises, *Liberalism*.

2 Rothbard, *The Ethics of Liberty*.

3 Hoppe, *A Theory of Socialism and Capitalism*.

4 Raico, “Liberalism: True and False,” 98.

accept the liberal vision as Raico described it as basically true (and thus sidestep the knotty question of what, if any, the proper role of government is) – in order to see what the proper way of exercising authority is. There is nothing revolutionary in this perspective, as it was the mainstream of western political thought from Aristotle on, but bringing it into contact with the liberal tradition will help elucidate the modern problem of tyrannical government.

The third strand of our analysis will be the liberal analysis of class conflict and the role of communities. There is a rich liberal tradition of analyzing society and history from the perspective of one's relation to the state.⁵ Society is here divided between the tax eaters and the tax payers, the despoilers and the despoiled, those who live on plunder and those who live from production and trade.⁶ An exclusive focus on these facts would be a truncated and falsified interpretation of social life, as men are not mere animals, only interested in a brutal struggle for survival. On the other hand, as men are not free-floating wraiths but embodied beings who need to produce and interact with one another in order to survive, their existence becomes structured by the relations elucidated by the liberal theory of class conflict.

Bringing together these three elements – liberal social theory, classical political thought, and class conflict analysis – will hopefully show how arbitrary and tyrannical government has re-emerged, and what can be done to fight it.

The tyrant in political thought

Aristotle in *The Politics*⁷ opens by defining what the state or society is. It is a community established with a view to some good, and Aristotle reasons that it must be the highest good: the good life or happiness. The state is set up with a view to securing this good, and the rulers or statesmen governing it are supposed to do so according to the rules of justice with a view to the common good of society.

The important notions here are justice, the common good, and final end. While Aristotle's had his own ideas about the suitable size of a community and about its economic life that has been proven wrong by modern social science, he certainly accepted the right of private property. Aristotle's state was thus a commonwealth of property owners, who united in society for the purpose of securing the means of living and pursuing happiness. The necessary precondition of

5 Raico, "The Conflict of Classes."

6 Hart, "Bastiat's Theory of Class."

7 Aristotle, *The Complete Works of Aristotle*.

any social life is some modicum of justice, which was classically defined as giving to each his due, and the importance of justice is emphasized in Aristotle's description of society.⁸ Unless men are always in agreement about who owns what and what is owed to whom, conflicts are bound to arise in society, and it is the role of the rulers of the state to adjudicate disputes and govern society justly. Justice is thus the common good of the state, and only a state governed justly will achieve its final end, which is happiness.

The concept of final end or teleology is one that is very much frowned upon in modern philosophy, arguably due to misinterpretations of what is meant by it. However that may be, in the realm of human action Mises has shown that teleology is indispensable.⁹ This is not to say that we should follow Aristotle and other Greek thinkers in conceiving of society as consciously constructed by a Lycurgus or Solon. That society is the outcome of human action does not mean that it had to be planned. This has been amply demonstrated by Menger¹⁰ and Hayek¹¹, who showed how the present society is rather the outcome of a long evolution, where the conscious actions of previous generations led to the creation of social institutions which were then accepted and furthered by subsequent generations. Yet this does not mean that these institutions are not directed to certain ends and that the members of society may not be conscious of what these ends are.

The notions of common good, justice, and final end allows to see what the essence of tyranny is: a tyrant is someone who rules over a state not justly according to the common good, but using his power to suit his own private interests. Indeed, Aristotle's idea of a tyrant is more general than the merely political, as the master of a household or head of a family may also be a tyrant, precisely because he does not rule these smaller communities according to their final end – the common good of all members of the family or household – but only with a view to his own private ends. The classical idea of a tyrant had a long history in antiquity and the middle ages, where it reappeared in the writings of Thomas Aquinas in much the same form¹², as St Thomas too defined a tyrant as a ruler who preferred his private good to the common good. The problem of tyranny was also basis of much reflection on the ethics of violent resistance to injustice, most famously perhaps from the pen of Juan de Mariana¹³.

8 The terms "society" and "state" are used interchangeably in our description of Aristotle's politics

9 Mises, *Human Action*, chap. 1; Mises, *Theory and History*, 240ff.

10 Menger, *Investigations into the Method of the Social Sciences*.

11 Hayek, *Law, Legislation, and Liberty*, Vol. 1.

12 Thomas Aquinas, *On Kingship*.

13 Mariana, *The King and the Education of the King*.

Reflection on politics and tyranny was throughout antiquity and the medieval period embedded in the larger ethical tradition of the classical natural law, which can be summarized as accepting the natural order and teleology of man and society. Not only is there a final end to the state as a whole, but this is also true for the individual human being.¹⁴ Happiness consists, on this view, in the recognition of one's natural (and to Christians, supernatural) ends or purposes and living according to these ends. Thus, for instance, marriage and the family are natural communities instituted for securing natural goods, as life in society and the propagation of the species are both recognized as goods in the natural law. Other associations, whether of a worldly or religious nature, are also set up for securing particular goods. It should therefore be no surprise that societies that accepted the natural law as their moral code did not require much state intervention. To citizens of such societies, government was often a nuisance or simply ignored. The good life according to the natural law required justice and peace – but that was all that men required from the state. Other goods were provided through production and market exchange, and in the myriad of associations, brotherhoods, clubs and so on set up for particular purposes. In short, it was a clear demonstration of the truth of the proposition that civil society can function by itself without government intervention.¹⁵

The classic ideas concerning government, common good, and tyranny have in the modern world been displaced by notions such as egalitarianism and democratic representation. In the modern political ideal, everybody should have a say in political affairs, and the goal of politics should be to empower everyone. “Giving to each his due” now means assuring the ability of each and everyone to pursue happiness, but especially offering the help of the state to those deemed disadvantaged. At the same time, since it is antithetical to the modern ideal to prescribe just what happiness consists in, it is not objectively given just what it is all men has an equal right to. In practice, politics becomes a struggle to secure recognition and government support for one's own ideal of what happiness and the good society is. While private property and some respect for individuals still exist in western liberal-democratic states, the egalitarian and interventionist mindset of the general public and the rulers alike serve to not only increase the size and scope of the state, but also to undermine private-property rights and respect for such rights.

The classical conception of government not only offers an alternative to this constant battle for political power, but, more importantly for our present purpose, it offers us a way to understand

¹⁴ Veatch, *Rational Man*.

¹⁵ We do not with these remarks intend to idealize any particular historical period, nor to suggest that there were not often tyrannical governments throughout history.

the present order as institutionalized tyranny. Tyranny on the classical notion could not go much beyond enriching the rulers and their cronies with subsidies and special privileges. This was bad enough, as it led to many moral evils and much unnecessary hardship under the *ancien régime*. The modern state, on the other hand, is bound to engage in tyrannical action almost by definition. One person's right to pursue his own happiness as he subjectively conceives of it can only be secured at the cost of infringing on the rights of other members of society. Anti-discrimination and similar laws are a prime example of this: they are instituted to secure equal rights to minorities and groups historically discriminated against, but they require positive actions on the part of the rest of the citizenry¹⁶. Should citizens not wish to engage in such activities, whether it is offering services to specific people, associating with them, or funding their lives, they will be coerced to do so. In other words, we have a situation where the law aims not at the common good of all, but at furthering the particular goods of some members of society at the expense of others. This is what we may call institutionalized tyranny: the state is used to further the particular goods of individuals and groups according to subjective criteria rather than the common good of all. Since natural law ethics has been rejected there is no rational basis for what constitutes a good and it becomes whatever the individual in question feels like. This means that not only is there a potential infinity of goods, there is also no way of reconciling them should they clash, as they inevitably must.

While it may be difficult to achieve consensus on what the common good is in a modern pluralistic society, at a minimum, it must be what was always at the core of the political order: justice and peace. Yet these goods, too, are sacrificed to the pursuit of equality and the provision of goods to people. The purpose of the state has increasingly become to secure the official recognition and affirmation of people's identities and choices, as this is deemed necessary to secure their equal ability to pursue their individual happiness. The major difference from earlier periods of tyranny is that it is apparently not exercised in the particular, material interests of the rulers. Instead, the tyranny is truly democratic: everyone is able to petition the state to get protection for their particular group, or identity, or vision of the good life, and to get public support for their lifestyle, both in the form of financial support and of official affirmation.

Thus, a society divorced from liberal ideas about what the proper function of the state is and a solid grasp of what the good life is grounded in the natural law, develops increasingly tyrannical tendencies. Yet we cannot truly understand this development if we not also examine the power

¹⁶ See Oderberg, *Opting Out* for some examples of this.

relations in society. The question of who does what to whom? brings us to consider the classical liberal theory of class conflict.

Class conflict and tyranny

Class conflict is a notion that inescapably suggests the theories and ideology of Marxism. Yet the Marxist notion of class conflict is completely backwards¹⁷ and is not a help to understanding social development. But it is also not an idea that grew out of Marxism: class analysis was part of the liberal tradition in the 19th century¹⁸, and was championed by some of the best-known liberals of their day such as Bastiat and James Mill¹⁹.

The essence of the liberal theory of class conflict is the position of various individuals and groups in society *vis-à-vis* the state: some people earn their living by production and voluntary exchange, what the German sociologist Franz Oppenheimer called the economic means; and some people earn their living by the forced transfer of goods from others, what Oppenheimer called the political means²⁰. Those who live by the political means are the rulers, exploiters, and despoilers; while those who live by the economic means are the ruled, the exploited, the despoiled. Political conflict is shaped by the attempts of the exploiters to perpetuate their parasitic position in the body politic and the struggles of the ruled to throw off their yoke. While this struggle at its core is about control over scarce goods, there is also a clear ideological component to it: indeed, it is primarily an ideological battle.

David Hume's great achievement was in first clearly expressing the role of ideology or public opinion in political affairs²¹. At the end of the day, the rulers are always in a tiny minority. They can only remain in position if they are supported by a sizable portion of the public. This is true even in the most despotic states, as the rulers there are completely dependent on their armed forces to keep the public in check, and therefore need the willing support of their soldiers, but it is especially so in democratic states whose whole legitimacy rests on the alleged consent of the governed. The ruling class here needs to always secure the support of the general public, or at least to head off active opposition to their rule. Hence, the role of intellectuals is to make the state legitimate in the eyes of the public. Such legitimacy, however, cannot be engineered *ex nihilo*:

17 Hoppe, "Marxist and Austrian Class Analysis."

18 Raico, "The Conflict of Classes."

19 Rothbard, *Classical Economics*, 2:75–78.

20 Oppenheimer, *The State*.

21 Hume, "Of the First Principles of Government."

people are not lifeless clay, waiting to be molded by state intellectuals. Rather, they have their own ideas about right and wrong, good and evil, justice and injustice, and to justify the state and the present government, the intellectuals will have to take these into account. Thus, for instance, in the middle ages when rights very often depended on immemorial custom, so if it could be shown that the king had had the right to levy certain tolls since time immemorial, this claim had a high degree of plausibility. Or if the Roman law was the basis of legal relations, then it would clearly lend credence to the pretensions of the emperor if he could claim that his status and the privileges he aspired to were found in Justinian's *Codex*.

Slowly, over time, the state would gain power as the public grew to accept a larger role for the state. Naturally, since the foundation of rule must always be the ideological support of the people, it would be intellectuals, perhaps dissatisfied with how society naturally developed in the absence of interventions by the state, who would push for a greater role for the state. Yet this does not necessarily lead to tyranny, to the arbitrariness of despotic rulers. Rather, it resulted in the first iteration of the welfare state, the *Polizeistaat*, which the first liberals arose to combat. The court intellectuals claimed that a large state involved in most of social and economic life was necessary for the common good, and this was the claim that the liberals set out to disprove. The classical economists argued that it was for the common good of society that the government should restrict its activities as much as possible. In Adam Smith's famous phrase:

Little else is requisite to carry a state to the highest degree of opulence from the lowest barbarism, but peace, easy taxes, and a tolerable administration of justice; all the rest being brought about by the natural course of things. All governments which thwart this natural course, which force things into another channel, or which endeavour to arrest the progress of society at a particular point, are unnatural, and to support themselves are obliged to be oppressive and tyrannical.²²

In the modern day, however, the apparatus of the state and the governing ideology lead to a very different kind of conflict. It is true that the classical liberals and their epigones have successfully warded off the danger of total state control of the economy. It is also true that in democratic states, the ruling class is no longer an exclusive aristocracy – rather, everybody with a modicum of political ability may join a political party, and a career in the state bureaucracy is open to all²³. Yet this does not mean that conflict is avoided; on the contrary, it is multiplied. For since

²² Smith, *The Wealth of Nations*, xxxv.

²³ Hoppe, *Democracy--the God That Failed* investigates some of the consequences of this change in detail.

government support is available to everyone, and the ruling ideology actively requires such support in the name of equality, and there is no rational limit to the demands that can be made of the state, ideology and material self-interest now unite to spur on all comers to benefit from state action.

The ruling strata of society, those who live by the political means, have expanded exponentially. There is a plethora of welfare programs to be administered and an endless series of demands for equal access, official recognition and enforcement of anti-discrimination statutes to be adjudicated and enforced. True, these are not necessarily glamorous and well-paid jobs, but they have a large ideological payoff: the bureaucrats and politicians can see themselves as advancing the ideas of equality, democracy and progress in the world. The same is true for many citizens who clamor to become the clients of the state: they too can be at the forefront of ideological change and enforce their vision of justice and the common good on the rest of society. They may not even join the ranks of the exploiters in a narrow monetary sense, but the crucial point is that they can enforce their claims backed up by the power of the state. And all this can be done at no personal cost to either rulers or clients, as it is all funded through taxes.

The crucial point, and what makes this tyrannical and not simply a case of a bloated state, is, as already stated, that none of the policies or actions undertaken motivated by these motives can be said to have justice or the common good for their end. It is always the particular good of group A or group B that is in question, and these goods cannot be provided except to the detriment of some other group or person in society. Tyranny has become institutionalized, as everybody can now, under the cover of egalitarian ideology, boss around everyone else. To paraphrase Bastiat's famous dictum, the state is become the great fiction by which everyone try to enforce their views on everyone else.²⁴

Can the tyranny be resisted?

It would thus seem that the modern tyranny has powerful support, as it is an outgrowth of the dominant ideology. This does not mean that all elements of that ideology needs to be discarded, but it does need that the grand vision of the modern liberal-democratic state must be challenged. The tyranny cannot be ended by resisting this or that particular case of despotic behavior,

²⁴ Bastiat, *Selected Essays on Political Economy*, 144.

admirable though such resistance may be. Rather, it is necessary to turn back to a vision of a just society, the common good and individual happiness that does not depend on government.

One way of doing this may be through efforts of secession: by seceding from a larger political entity, the chances are increased that the citizens will be able to avoid egalitarian tyranny. Yet this does not eliminate the cause of institutionalized tyranny, and is therefore only a half-measure.

Instead, the most realistic way forward may be termed internal secession: to insist on ignoring the state as far as possible. It is to turn away from it as a provider of goods, and to reject it as the source of one's identity and worldview. This is essentially an ideological battle, although it is not a battle for the control of the state. Rather, the goal of it is to carve out a sphere independent of state control, where it is inconceivable that government bureaucrats would dare intrude. Only by insisting on the illegitimacy of state meddling beyond the narrow bounds of justice and the common good as traditionally conceived can this be achieved.

Conclusion

The aim of this essay has been to examine what we have termed institutionalized tyranny: the use of state power to secure the particular goods of some people at the expense and to the detriment of the rest of society. This modern tyranny grows out of modern egalitarian ideology, but it has also been strengthened by the material incentives of the system. Classical ideas of the common good and tyranny has helped us elucidate the nature of this modern tyranny, and the classical liberal theory of class conflict has shown the material basis of the modern tyrants.

The history of mankind, as Mises said, is ultimately the history of ideas. There can be no doubt that the source of institutionalized tyranny is the dominant ideology or worldview of our time. A modern Brutus must therefore fight, not with daggers, but with the power of true ideas.

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