Democracy
The God That Failed

民主：失败的上帝

君主制、民主制与自然秩序的政治经济学
The Economics and Politics of Monarchy, Democracy, and Natural Order

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翻译：理性少数派·可二

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译序

文/可二

1. 霍普与米塞斯

无论是在简中世界，还是在英语世界，汉斯-赫尔曼·霍普都是一个非常有争议的人物，哪怕在奥地利经济学家或爱好者中也是如此。而他引发的争议，又尤以本书所涉及的论题为主。

这大概是因为他跟他的导师穆瑞·N·罗斯巴德一样，不惮于与流俗相左，在政治、文化与社会议题上，根据自己反复推敲的理论基点，作出了许多违反人们当前经验与生活直觉的判断。而这种方法，正是奥地利学派集大成者路德维希·冯·米塞斯的基本范式。

事实上，米塞斯本人在其倾注了毕生心血的行动学（经济学）研究中，也同样提出了大量违反人们当时经验与生活直觉的主张。

例如对非私有制的经济计算问题、工会问题、限价问题、福利与补贴问题、税收问题以及形形色色的其他干预主义政策问题，米塞斯都基于理论洞见来洞彻经验现实，毫不含糊地批判了所有这些错误主张，呈现甚至预判了所有这些错误主张的恶果。

米塞斯在世时，他自己也因为与所谓的主流相左而遭遇了很大的争议，以及更多的无视。对于没有能力反驳又不能接受的意见，人们往往会采取鸵鸟主义的无视态度。

当这些意见真正有利于社会和大众，而对知识精英及其依附的权力阶层会产生短期的威胁时，后者尤其是希望通过暗示性的贬低和蔑视，或者干脆就不提及，再加上制度性歧视和排斥，来使这样的意见远离公众。

1 用学术化的语言来说，这种方法可以称之为“先验论”。参见本书导言部分。
2 参见米塞斯《人的行动》、《为自由而计划》、《全能政府》等著作。
只是米塞斯本人较少对政治、文化与社会议题发表传统经济学视角以外的观点，偶尔论及，在措辞上，与西方主流范式也没有刺目的反差。

例如，米塞斯多处貌似因袭了西方主流意见，对代议制民主制度和小政府原则（“守夜人”政府）本身表示了肯定。仅仅因为这种表态，米塞斯在这方面所遭遇的非议就远远少于罗斯巴德和霍普。

但是，任何一个人认真阅读过米塞斯著作的人，都能够发现：（1）米塞斯对民主的肯定，仅仅局限于政权更替中的“和平功能”，他没有在任何地方表示过，民主本身会带来经济繁荣或者增进人们的自由与权利，更不要说肯定民主本身的正当性和正义性了；（2）在米塞斯的民主观中，民主制度与政府的合法性只能基于民众“自愿”的认可，这就意味着，人民中的个体可以自愿地脱离、解散和推翻政府；（3）根据这一原则，米塞斯毫不犹豫地赞同人们“无限脱离（独立于）政府”的权利，这种原地脱离和独立，可以小至村庄、家庭和个人。3

这已经距离现当代历史与现实中实际运作的，自称民主制的中央集权政府（例如南北战争以后，尤其是二战以来的美国政府）几乎已经有了根本区别。4更不要说，那些频繁引用米塞斯的话来赞扬民主制度的人，往往无意或者有意回避米塞斯对现代国家（state）以及民主制度的狠辣批评了：

……一个人说出“国家”一词，即意味着强制和胁迫。……人类过去所不得不忍受的最糟糕的邪恶都是由坏政府造就的。国家可能是，而且过去常常是历史进程中危害和灾难的主要渊源。3

……我们永远不应忘记，多数决暴露的错误和失败不亚于君主和独裁者。某事被多数决认定为真，并不能证明它就是真理。某政策被多数决认定为有益，并不能证明它的确有利。形成多数决的个体不是上帝，他们的共同决定也非必然如上帝一般神圣。6

3 见本书第三章第 1 节，第 2 节相关论述和注释，以及米塞斯《自由与繁荣的国度》相关论述。

4 用霍普的话说，米塞斯的民主定义与现实中的民主不吻合。也就是说，米塞斯所赞扬的民主制度与民主政府，并非（至少不全是）现实中大家耳熟能详的那些民主政府与国家。参见本书第三章第 1 节和第 2 节。

5 见米塞斯《全能政府》（可二译）第三章第 2 节。

6 同上。
……如果将权力赋予多数人，让他们规定少数人可以想什么，可以谈什么，可以做什么，那么，人类的一切进步都会就此中止。⑦

……人类以过高的期望跨进了民主的时代，自然他们就会很快感受到失望的痛苦。人们不用费多大周折就发现，原来民主也会犯错误，其错误至少与君主制和贵族统治的错误一样多。⑧

……对绝大多数人来说，尽管他们也许具有判断是非的能力，但仍会觉得眼前的直接利益比长远的更大的利益更为重要，他们宁可放弃长远利益而贪图眼前之小利。绝大多数人并不具有分析和综观错综复杂的社会生活问题的能力，而且也不具有敢于牺牲眼前利益、换取全社会共同的长远利益的意志力。⑨

在米塞斯的基础上，霍普基于同样的先验理论洞见和分析方法，对于“民主共和制度”作了进一步的毁灭性批判，他的批判甚至到了这样一种严厉的程度：同等条件下，民主制度对于社会（大众）福祉的伤害，甚至远大于君主制。

我无数次遇见，这样的观点只要一放出来，还未等介绍他的分析和论证，就会有不少人条件反射般地，本能地表示反对甚至厌恶。

我曾经向一位自称热爱自由的朋友（他的自称倒也不算虚夸）推荐霍普的这本著作，他的反应给我的感觉是，连看一眼霍普的著作，都会让他觉得自己正义和圣洁的灵魂受到了玷污。“不要再说了，我不会看的！”还有一些据说浸淫奥地利经济学派有年的人，仅仅因为霍普师从过欧洲著名知识领袖，新马克思主义者哈贝马斯，以及霍普的一些似乎看低某些自由意志主义者生活价值观——不重视家庭、宣扬反常态生活方式（同性恋、丁克、吸毒、滥交）——的言论，就本能地把霍普看作是左翼革命或右翼专制独裁的同路人，表示“很反感，不想看”。

⑦ 见米塞斯《自由与繁荣的国度》第一章第 12 节。
⑧ 见《自由与繁荣的国度》第一章第 9 节。
⑨ 见《自由与繁荣的国度》第四章第 2 节。
⑩ 其实霍普与他的博士导师哈贝马斯在学术和思想上几乎决裂了，他评价后者的政治思想代表了一种极为糟糕的社会民主主义（亦即当代版本的马克思主义）的大杂烩，“我可以肯定地说，哈贝马斯是个有害的人物……他可以被视为历史和政治正确、社会民主以及政治中央集权的大祭司。”（见张祥海编辑的《霍普文集》《霍普访谈录》一文。）
所以，我完全清楚并且理解坊间对霍普的怀疑和否定，但也始终记得米塞斯的教诲：

人类的进步大都是通过以下方式实现的，即从一小部分人偏离大多数人的思想和生活习惯开始，直到他们的行为最终得到大多数人的认同和接受，从而形成了人的观念和生活方式的更新。

出于希望多少澄清类似误解的动机，也出于我自己的智识兴趣，而且，我愿意相信，不少朋友只是没有机会完整、详细地阅读霍普的论述，所以我将霍普著作中争议最大的著作，即本书——《民主：失败的上帝》全文译出，并且添加了很多注释，以期给更多心有疑虑的朋友提供更精准的靶子，也给更多关注当代奥地利学派政治、社会议题的朋友提供更详细的，并富有智识挑战性的文本。

2. 霍普其人

尽管能够体现霍普在经济学与哲学上的创造力与论证力的经典著作《私有财产的经济学与伦理学》，已经由吴炜烽老师译出并出版；能够体现霍普对奥地利学派的根基——先验理性方法论——功力深厚的理解力的著作《经济科学与奥地利经济学的方法》、能够体现霍普强大且逻辑严密的想象力和阐释力的著作《防卫的私人生产》，已经由熊越老师译出并在中文互联网传播已久；能够反映霍普涉猎广博和诸多创见的《霍普文集》，已经由张祥海老师多方搜集并精心编辑为电子文稿，在奥派爱好者圈子里中逐渐传布；但是，中文世界对于霍普本人的了解似乎并不是很多。

霍普，全名汉斯-赫尔曼·霍普（Hans-Hermann Hoppe），1949年9月2日出生于西德（联邦德国）下萨克森州的佩纳镇。但他的父母是东德（民主德国）人，冷战时期，因为家境相对富有，被苏维埃政权剥夺了财产，被迫流亡到西德（1946年），并且1991年德国统一后，西德政府也没有返还他们在东德的私有财产（房子），这让霍普全家感到愤怒。

在西德期间，他多次随父母回东德访亲，东德的贫困、政治高压和当局无休止无底线地吹嘘自己的成就，给他留下了深刻的影响。但他也提到，来自家庭的教养，使他的个人性格更具有东德式的“新教伦理”特色——那就是以个人奋斗和成功为天职。

见米塞斯《自由与繁荣的国度》第一章第12节。
霍普曾就读于萨尔布吕肯的萨尔兰大学、和法兰克福的歌德大学（即法兰克福大学），学习包括哲学、社会学、历史学、和经济学。并在法兰克福大学获得了他的哲学博士学位（1974年）和大学任教资格（社会学和经济学，1981年）。在1976年至1978年间他也曾担任安娜堡的密歇根大学的博士后研究员。

攻读博士期间，霍普师从尤根·哈贝马斯（Jürgen Habermas），后者是二战后的西德主要知识分子，但霍普逐渐拒绝哈贝马斯的思想，认为它“智力贫瘠和道德破产”，并且认为总体而言，哈贝马斯是一位有害的知识分子。

不过，霍普认为，哈贝马斯关于沟通对话的理论对他后来构建的论辩伦理学有所启发。

他曾在数间德国大学，其中包括约翰·霍普金斯大学任教。1986年他从德国迁徙至美国，在穆瑞·罗斯巴德教导下学习。师徒两人的情谊一直维持至罗斯巴德于1995年去世为止。

他的职业生涯也因此从在德国乃至世界知名的各大学任教，转入名不见经传，但是能够接纳罗斯巴德的内华达大学拉斯维加斯分校商学院教授。

在美国期间，他还成为米塞斯研究院的高级研究员，依托这一机构，他发表了大量论文与著作，逐渐成为世界知名的经济学家、作家和演讲家，以及自由意志主义政治经济传统的先锋。他的学术工作涵盖了诸如货币与银行、社会科学方法论、制度比较、欧洲经济史、政治伦理、安保市场、所有权和财产权利理论以及经济制度等领域。

2005年，为了反击受米尔顿·弗里德曼影响的朝圣山协会（Mont Pelerin Society），霍普在土耳其创立了财产与自由协会（The Property and Freedom Society，缩写“PFS”），他与米塞斯一样，嘲笑和批评前者的成员是“社会主义者”。

2010年，霍普在演讲中指出，该协会的使命是：
民主：失败的上帝·君主制、民主制与自然秩序的政治经济学

一方面，正面地解释和阐明自由的、无国家的自然秩序的法律、经济、认知和文化要求和特征。另一方面，负面地揭露国家的真实面目：一个由杀人犯、掠夺者和小偷团伙管理的机构，周围是自愿的刽子手、煽动家、马屁精、恶棍、骗子、牛皮大王、容易受骗的人和有用的白痴——一个能玷污它所接触到的一切的机构。

正如维基百科所写：“霍普被认为是目前在世最知名而又最重要的无政府资本主义哲学家。”

但在奥地利学派或自由意志主义圈子之外，霍普最出名的两件事是：

（1）依据私有财产伦理，主张限制移民，被认为违背了自由主义和美国的立国原则。

（2）因为课堂教学中，引用了关于同性恋时间偏好更低，更容易有高风险举动的例子，而遭致学生抗议他歧视同性恋，并因此受到校方批评与停课处罚，引发了一场震动美国大学系统的“学术自由”争论。

对此质疑他限制移民的主张，以及中伤他种族歧视与恐同/厌同的意见，霍普曾在访谈中回应：

……（我的主张）相当于，任何坚持在裸体海滩上坚持穿泳衣的人都可以被赶出这个沙滩（但有另找一块海滩的自由），正如任何坚持在正装晚宴上裸体的人都可以被赶走（但有另找一个宴会的自由）。

关于霍普的课堂争议，我翻译了斯蒂芬·金塞拉的《霍普的磨难》一文作为本书的代序之一，此文介绍了事情的起因与经过。最终，这场争议以校方撤回指控，重申学术自由原则告终。

霍普在《我与思想警察的战斗》一文中总结道：

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长期以来，我一直将政治正确运动视为对所有独立思想的威胁，我对学术界的自我审查水平深感担忧。为了抵抗这种倾向，我在教学中不会触及任何政治禁忌。……当我成为思想警察的受害者时，我真的很惊讶，现在我担心我的案子对不太知名的学者产生了寒蝉效应。尽管如此，我还是希望我的战斗及最终的胜利，即使不能让一个胆小的人变得勇敢，也希望鼓励那些有战斗精神的人奋起自卫。

而在另一次访谈中，霍普则不无讥讽地回应道：

在某些“已觉醒”的圈子中，在一个句子里同时提到同性恋和驱逐，显然会导致他们大脑熄火并丧失所有的阅读理解能力。最终，这个诽谤运动失败了，并且适得其反，增加了我的人气和那本书的影响力。

当然，如果仅仅是依靠搜索引擎来了解和评判一位学者，那么，即使他会科学上网，也只能看到一个脾气乖戾、好发异论的怪人。一如当年人们看待米塞斯的态度。比如，虽然内容丰富，但代表西方主流意识形态的维基百科（英文），在“霍普”的人物词条中就不厌其烦地列举了所有各类否定霍普的观点和影射他有种族歧视、亲专制立场的意见，并暗示他非主流，为许多人所嫌弃。

在公共舆论中，通过暗示一个人及其主张不为当前多数人所喜，来试图否认其学说的正确性，是一种常见的现象。然而这种努力在理性上（逻辑上）是没有任何有效性的。

所以，对凡此种种非议，霍普面无表情地说：“我所遇到的各种批评，客气一点说，都没有给我留下深刻的印象。”

3. 本书关键词与论证思路

全文见https://mises.org/library/my-battle-thought-police。

见张祥海老师编辑的《霍普文集》“霍普访谈录”一文。

同上。

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本书的基础和核心概念并不是频繁提及的“民主”、“共和”和“君主制”，而是“时间偏好（time preference）”和“自然秩序（natural order）”。

人总是根据自己的价值表（目的排序表）行动，同等条件下，人们总是倾向于即时满足，而非延迟满足（优先满足排序靠前的目的），所以，人们对当前财货的估值总是会高于对未来财货的估值，二者比率就是时间偏好。

但是，人的时间偏好越高，越倾向于即时满足，今朝有酒今朝醉。而文明（财富增值）的发展，又要求人们拉长生产结构，从而增加未来财货的产出，这就必然要求人们降低时间偏好——即节约消费，增加储蓄和面向未来生产的投资。

反之，预期未来收益会增加，人们才会节约、储蓄和投资，时间偏好才会降低。由于人具备理性，且总是在行动，行动即意味着以一种更适意的状态取代不适意的状态，亦即，只有在预判可能有收益的情况下，人才会行动。所以，在不存在强制干扰的情况下（亦即“自然”状态下），个人的储蓄与投资，人际的交换与合作，总是会自然发生。尽管每个人每个阶段的时间偏好会有所不同，但随着社会成员的资源储蓄与投资（资本积累）的增加，社会的平均时间偏好会趋低。

从这个意义上说，文明是一个自然的过程。

然而，在一个社会中，要使人们对自己未来的收益预期始终倾向于乐观向上，就要求在观念与制度方面，至少存在相当程度的事实性的私有财产权。亦即人们需要相信，个人的储蓄、投资，以及人际的自愿交换与合作至少不会遭遇彻底的、或者大规模的制度性背叛和侵犯。

这里使用的“自然”一词，既有会自发发生的含义，也带有价值判断色彩。“自然的”即意味着“好的”，“不自然的”即意味着“坏的”。“好与坏”的判断仅仅与有生命的实体相关，无生命的实体无所谓好坏。“好的”指有利于生命兴旺发展的事物，反之则是“坏的”。有利于人类生存与发展的东西就是“好的”，也就是“自然的”。对于个人来说，在给定条件下，有利于其主观幸福的东西被认为是“好的”（自然的），反之则为“不好的”（不自然的）。而对于人类整体，或者说绝大多数个体而言，更长的寿命、更健康和富有的生活，通常被认为是更幸福的状况。在所有有生命的实体中，只有人类能够认识好与坏，并对之作出选择，这就构成了伦理学（处理人际互动之原则的学说）的基础，人的这种能力就是理性，它本身也自然演化的产物，所以理性本身和基于理性作出的选择，才是自然的，也才能真正意向性地改善人自身的处境。在这个意义上，自然与理性也是一体两面。参见罗斯巴德《亚当·斯密以前的经济思想》第一章第1节“自然法”及米塞斯《全能政府》第五章第4节“被误读的达尔文主义”。
所以，私有财产权是文明发展的内在要求。即使人们没有从智识上明确和系统地认识到这一点（“百
姓日用而不知”），但是那些繁荣和发达的文明，都会存在事实性的私有财产权。也就是说，在这些
文明中，不管纸面上的法律和政治制度规定如何，人们的自愿行动和各自获得的财富，至少在一个不
短的时间和不小的范围内，不会遭遇普遍而彻底的干预和剥夺。这种干预与剥夺的程度越小，这样的
社会就越接近于“自然秩序”——一种有利于人类繁荣与福祉的秩序。

虽然霍普没有正面给出“自然秩序”的定义，但是根据他的阐述，“自然秩序”是指人类社会在演化
的过程中，尤其在政府出现之前或政府功能缺位的地区和领域，人们基于彼此承认对方对所掌握的当
前资源的所有权，而展开自愿地交换、合作和订立契约，并且事实上支持互不侵犯原则的社会秩序。

所以，桥接“时间偏好”与“自然秩序”的核心概念是“私有财产权”。

在社会历史意义上，“私有制”是指个体或个体自愿联合的共同体对当前所掌握/占有的（广义）资源
的支配权为相关社会（或共同体）所承认的制度。严格的私有制很难找到完美的样本，但我们可以说，
这种承认的程度与范围越大，其私有化程度就越高。

基于以上洞见，当我们把“政府”——一种强制征税与垄断司法的机构——这个因素引入进来，就会
发现，以“自然秩序”为参照，“政府”本身必然是侵犯私有财产权的反文明因素。

而霍普要处理的难题是：君主政府与民主政府，哪一种对私有财产权的侵犯更为严重。

君主制是指统治者的权威/权力内生自然秩序，但实现了征税与司法垄断，且被大部分民众所积极或
消极认可，其任期不受限制，其权力可以世袭罔替的制度。民主制是指统治者的权威/权力不由传统和共
同体自然产生，而是由特定疆域内的被统治者的多数决选出，其入选资格不受限或限制较少，但是统
治者的任期受限，其权力不可私相授受，而是受多数人的意见左右的制度。

因此，君主制度等同权力私有制；民主制度等同权力公有制。需要注意的是，正如公有化与私有化之
间还有过渡形态一样，两种制度之间存在无数中间形态。历史和现实中的君主制和民主制，也都夹杂
了许多中间成分。例如，一个政府的统治者的构成不仅限于特定的精英集团或精英个人，而是扩散到
其他阶层甚至中下阶层，那么我们可以说，这个政府的权力公有化程度较高，它具有更多的民主制特
点。反之，则权力私有化程度较高，君主制色彩更浓。又例如，一个政府的权力传承，由上届统治者
任意指派，或按传统规则依序世袭，则其权力私有化程度较高，更接近君主制，反之，上届统治者对权力传承的发言权受限或者完全没有发言权，新任统治者入选资格更为宽泛，且需要重新赢得大多数被统治者认可，则其权力公有化程度较高，更接近民主制。

尽管所有政府统治者都会倾向于扩大其未来收益和当前收入，但是：

（1）基于自利假设，权力私有的君主，与所有期望未来生活更富足的个人一样，不会以牺牲未来收益增长为代价来扩大当前收入。因此，对于民众的剥削和征掠会趋于适度，杀鸡取卵的可能性和恶劣程度会减弱。

（2）基于自利假设，权力私有的君主，会抬高进入统治集团的准入门槛，制造阶级壁垒（例如血缘与婚姻）。亦即统治者与被统治者的界限分明，后者更容易形成“阶级意识”，有利于团结起来抵抗君主的征掠与剥削。这也会限制君主制对民间的剥削与征掠。

民主制则正好相反。

所以，霍普得出结论：**同等条件下，君主制对民间的剥削与征掠要比民主制更轻。**然后霍普列举了大量经验证据来表明这一结论的有效性。

当然，我们首先要理解，这是一个理论命题（逻辑推理结论），其正确性和有效性不依赖于我们的经验感受，而是依赖于其前提条件和演绎推理的正确性。

运用这种命题去解释经验现象（包括历史现象），需要我们准确地理解命题本身的概念，也需要我们准确地理解命题与经验的关系，并且在理解中，坚持概念和定义本身的内涵不受语义直觉的左右而不应变。否则，就很容易出现“我天生（其实是被教育灌输）讨厌君主制或民主制，所以反感或赞同其论断”的态度。

本书还包括了分离主义、移民问题、安保的私人生产、对古典自由主义的批判、重新认识保守主义等诱人的争议议题，理解这些议题，仍然要从“时间偏好-自然秩序-私有财产-政府性质”这个思路入手。偏离这个思路，无论是认同还是反对，都容易抓不住关键，从而误解霍普的主张。

### 4. 如何理解中华帝制？

*注意：经验证据不能证明或证否理论洞见，只是正确运用真实的经验证据，可以使理论洞见显得更为直观和可接受。*
对于中文读者来说，非常难以让人接受的是霍普貌似对君主制的肯定，因为中国的中央帝制绵延两千多年，期间帝制政府的荒淫残暴、民众的贫困与受压迫的程度、社会的动荡乃至战乱史不绝书，似乎中国的历史经验并不能支撑霍普的结论。霍普没有集中论述过中国历史问题，关于这个疑问，本书没有直接答案。

但我觉得可以这样去理解：首先，霍普的结论是一个基于逻辑推理的比较性结论。中国没有自己的可参照的民主制经验。

当然，抛开比较性问题，中华帝制历史本身似乎也普遍没有表现出霍普所主张的“适度与克制”，尽管很难找到什么精确的标准来说明什么是“适度与克制”，但是，无论是居民的人身受任意迫害和奴役的状况，还是他们的收入被剥削和征掠的程度，都很难让人同意中国的帝制总体上是适度与克制的。

事实上，霍普对君主制的定义，是以罗马帝国衰亡以后，欧洲中世纪小国林立的状况为经验蓝本的。由于诸多原因——例如王权与教权的二元对立和制衡、默认传统的层层封建制、王室与贵族的制衡等等——尽管各君主之间的兼并也在缓慢发生，但中世纪欧洲并没有形成“民无二主”、不是你死就是我亡的强烈的大一统主流观念和历史趋势，各君主之间尽管名义战争频繁，但小国林立的现状基本保留了下来，而且小国林立也被认为是合理的国际秩序。

所以，欧洲的君主（包括国王、王公和有相对独立领地的贵族）更接近于分立的私有财产所有者，他们的政治、文化土壤也更有利于形成尊重契约（包括基于传统的默示契约）的观念。这样的权力私有者，其统治行为才会更接近于霍普本书中的分析。

而中华文明“早熟”，封建制早在公元前二百年就已经结束，早早就形成了疆域广阔的中央集权帝制政府。中央集权帝制要保持对全疆域的统治权和资源汲取能力（即剥削和征掠能力），就必须扩大其权力通道。

第一个中央帝国——大秦王朝——为了解决这个问题，首先采用的是军功授爵制度，它打破了贵族和王室成员才能跻身统治阶层的壁垒，任何平民都可以依靠军功一级一级跻身贵族（而欧洲中世纪，军官与士兵的鸿沟非常明显，军官必须拥有贵族身份，而士兵很难实现阶层跃迁，甚至成为战士也需要一定的身份）。
这种扩大权力通道，进行全员动员的机制，其实已经带有某种权力公有的色彩了。它对于在短时间内极大地增强统治集团的合法性和军事动员能力起到了很大的作用。

但是，这种权力公有加重了对民间的剥削与征掠。军功集团统一了六国以后，与战国时代相比，秦朝的暴政苛虐程度，立刻就有了质的飞跃。

统一六国后，军功通道无以为继，秦制改用“以吏为师”，擢迁了一大批非贵族成员纳入统治集团，然而，由于吏、官、传统贵族和皇室之间的鸿沟依然非常明显，他们之间的阶层流动很少，所以其统治效能与合法性依然难以为继。

但是，中华帝制总是尝试扩大权力通道的特点已经开始显露，而权力公有程度（或者说统治集团的膨胀程度）的加深总是伴随着剥削与征掠的加重、公共资源的任意滥用和浪费的特点也开始显露——比如，大秦的公共建设（宫殿、帝陵、长城、道路等等），就极大地浪费了国力，也直接残酷奴役了大量的平民，很快就引发了全国性的平民叛乱。

当然，大秦帝国的短命，依然可以视为为规模有限的统治精英难以驾驭大疆域帝国的样板。这类帝国的迅速解体或覆亡，在中东、近东，以及中世纪以前的欧洲也发生过很多次。

最终在竞争中获胜，成功取代秦朝的，也不是另一个贵族精英集团——项羽集团，而是出身底层小吏、升迁前途有限、工作负担沉重而危险、带有明显平民色彩的刘邦集团。刘邦集团夺取政权后，一开始也表现出了压缩统治集团（大规模诛杀功臣），甚至恢复王室分封建制的努力（非刘氏而王，天下共击之），伴随着这个过程，汉初年的统治表现出了明显的克制与适度。汉朝的经济在短短一百年内迅速恢复并且出现前所未有的繁荣。这个王朝的名称也成功地成为了整个中华民族的标志。

然而，可能是缺乏欧洲那样的制衡力量，在经济繁荣后，西汉的中央集权趋势再度加强，随着削藩、推恩令和打击地方豪强，西汉皇室成功地压缩了统治集团，减少了对王权的威胁和对民间的征掠，但同时也削弱了君主对幅员广阔的领土的控制力度和资源汲取效率。

因此，从汉武帝时期开始，又大量擢升平民进入统治集团。对于本身出身平民，又成功压制了军功贵族和后起的民间精英的汉王朝集团来说，这种做法既没有心理上的障碍，又具有现实必要性。汉武帝一方面频繁地擢升出身底层、品级不足的官吏身居要职或者掌握关键权力，另一方面通过儒学系统，从民间发现、培训和吸纳合格人才。
同样地，这个过程又伴之以天量的公共开支和任意的管制和计划——武有穷兵黩武远伐匈奴，"文"有全国性盐铁专营（它的本质是垄断经营税）。只要打开了面向平民的权力通道，平民对政府及政策的抵抗力度短时间内就会严重削弱——一方面是民间精英不断被录入统治集团，另一方面是这些"叛徒"主导的意识形态宣传向下渗透，民众短时间内容易认为即使政策令自己短时不快，但可能能给自己带来长期利益。

但是，剥削、征掠、管制和大量的公共开支，必然极大地挫伤帝国的经济潜力，当后果越来越明显地摆在人民面前时，统治危机就会发生，经济规律永远都会起作用。与官修史书对汉武帝无节制无底线的讴歌相反，根据上述分析，结合史实，我们必须认为汉武帝是西汉王朝由盛转衰的转折点。

这样，中华帝国模式就出现两难困境：压缩统治集团，增强权力私有程度，有利于恢复民间经济活力，却容易造成王权危机或帝国解体；反之，扩大权力通道，增强权力公有程度，则会损伤民间经济活力，时间稍长，出现统治危机，导致大规模全局性的民众叛乱，整个文明在一个不小的程度上定期清盘。

秦汉以降的帝制史，无非是这两种模式的反复交叉，要么趋于帝国解体（藩镇割据、小国林立），要么出现定期清盘（民众叛乱，胜者重建统一的新王朝）。总的趋向以后者为主。

近现代民主共和制占主流的西方世界频繁出现全局性、系统性经济周期，而中国古代帝制史也频繁出现全局性、系统性的政治-经济周期。后者，其实本质上就是帝国内部的严酷的周期性清算。清算是痛苦的，但是清算之后，中华文明也一次次重新崛起也是事实，这也体现了"自然秩序"的力量。

奥地利学派的经济分析早已证明，背靠政府权力机制的信贷扩张是经济周期的主要原因，而在我看来，中华帝制周期则是政府权力通道和统治集团扩张的结果。

根据霍普的分析，我们中文读者完全可以抛弃以西方主流历史观为蓝本的"民主-君主"二分法，而直接以"权力私有-权力公有"的连续光谱去理解中国历史。
按照霍普的定义，君主制=权力私有；民主制=权力公有。那么中华帝制史，实际上是泰式“民主化”（军功授爵、以吏为师）启动的，在君主制与民主制之间不断游移，并最终趋向于稳定的民主制的历史。

例如，东汉到魏晋的九品中正制（贵族门阀的基础），偏向权力私有化，带来的小国林立和文化经济繁荣；各王朝初期的解除功臣职权、诛杀功臣，偏向权力私有化，同时会出现休养生息和经济复苏；隋唐的科举制（确立向民间取士的全民制度），偏向权力公有化，带来的官僚集团的膨胀、腐败和国力的迅速衰落，以及最终的全国性平民叛乱。

又比如，由于宋朝统治者出于自身经历，而较早定下重文轻武的国策，科举制实行得早，录取名额多，考试机制更为亲民和公平，使得宋朝的权力公有化程度更高、速度更快，因此，宋朝积贫积弱的特征表现得更早，更严重。但是，宋朝本身得国容易（黄袍加身，和平过渡），功臣集团本身规模和力量太小，且最早被钳制，又表现出明显的权力私有化特征，所以北宋初年文官集团尚未膨胀时，经济文化的繁荣又盛极一时。

最终，举世闻名、绵延千余年的科举取士制度（宋元明清代强化，直至基本上完全取代其他的官职或贵族晋升通道），构成了中华式“民主”（权力公有化）的核心特征，成为中华帝制最显著的标签之一，当这一制度越发深入人心，中华帝制也越来越趋于僵化和腐朽，直至近代遭遇强大的西方。

而西方则正是在中世纪欧洲权力私有化（君主林立）的土壤上，民间蓬勃生发出基于私有财产权的市场经济体系，带来了极大的繁荣、富裕与文明。而反观中国，由于权力公有化出现得早，制度化也早，稳定性也强，早早强化了官本位（亦即体制化知识精英本位）压倒一切的主流观念，几乎完全窒息了智识上自觉而系统的财产权意识和契约精神之产生，从而也一代代地扭曲和压制了民间自发的经济（市场化）活力。这种负面效应，哪怕到今天也非常明显。

东西方的这种历史性和戏剧性相遇及其竞争（或对抗）之后果，至少在某种程度上，用霍普式的民主制被霍普式的君主制碾压来解释，是完全站得住脚的。

亦即权力公有化的中华帝制被权力私有化的西方国家所碾压。这里要解释的是，尽管 1840 年中国所遭遇的打上门来的西方，已经开始步入民主共和体制（亦即权力公有化程度在加速），但是，构成西方列强之财富与实力基础的，是君主制时代形成的资本积累、制度优势，观念与技术优势。正如打败匈奴的是汉武帝，但是其实力基础却形成于此前的文景帝时代。
由于我们是严格根据定义，结合众所周知的历史事实来推理的，所以不能简单地认为我们说中华帝制具有民主化特点，是一种语义悖论或者语言腐败。恰恰相反，基于一种全新的准确洞见，我们可以说，至少在霍普的范式下，“中华帝制”这个广为接受的术语并不必然指向严格定义的君主制度。

只要准确地理解霍普的原意，严肃认真的奥地利学派学者和爱好者至少可以不被霍普的论断的字面意思所困扰。愿意认真理解理论分析和重新审视历史因果的朋友，相信也能从中获得极大的启发。

当然，这也要求我们正视和反思其他常见的因果解释或未加审辩而接受的结论——例如，大一统是繁荣的原因、科举制是文明的标志和繁荣的助因、知识精英的主流意见代表了文明的水准、权力不可私有等等。

以上对中国历史的宏观鸟瞰，要成为更为扎实可靠的论述，自然还需要补充大量的文献和历史证据，但我目前认为，它至少在框架上是成立的，也符合霍普的分析范式，并且也表明了这种分析范式对中国政治史的解释力。

霍普的其他争议性议题，我们也可以使用此种方式去理解。

5. 感谢

我开译此书，首先要感谢李松老师的推荐。当然也离不开一帮同道、公众号读者朋友的鼓励与督促——例如漫天霾、李三、野生姜戈、太极推手、古原、olne、晓涵、大军、@t、野生强哥、华仔、周晓伟……等老师。老师和朋友还有很多，名单是列不完的。

其实全书半年多以前就已经译完，但是由于公众号纪律日趋严苛，我无法像上一本书——米塞斯的《全能政府》——那样，一篇一篇地在公众号上发布译文。

还因为本书哪怕在民间也存在巨大争议，也促使我不敢率尔发布未经校订的文本，否则因为我的错误而引发更多的误解，那就既对不起本书作者霍普先生，也对不起更多读者朋友。
还有一个重要原因，本书第十二章与霍普的《防卫的私人生产》一书内容、文句基本上相同，译文参考（事实上几乎完全照搬）了熊越老师的同名译作，仅仅补充了原书所无的少数段落和修改了一些词句，十分感谢熊越老师此前的工作。熊越老师的译文准确而规整，他翻译的其他诸多文章与著作，使我获益匪浅，这里再次表示感谢。

之前我将草稿小范围传给朋友们指正时，有朋友热心地将它流传出去了，但是，那一稿还没有写译序和致谢，尤其是在没有说明有一部分译文来自熊越老师，这让我感到非常不安。所以，最近有朋友想看译稿，译序完成以前，我都婉拒了。

但今天以后，非常乐意更多朋友看到本版译文。之前收到过上一版本的朋友可以把它扔到垃圾筒，别再让它谬种流传了。

当然，无论如何，译文的一切错讹都由我本人负责。

最应该感谢的是夫人宽容，理解和支持。我不是体制内食税知识分子，我的翻译和学习活动都是出于个人兴趣与爱好，对于一个家庭来说，它基本上属于一种略显奢侈的消费活动。有时候我想，夫人的这种支持，与纵容丈夫在外挥霍无度本质上应该差不多。真是辛苦她了。

所以，看到这一译本的读者，如果觉得译文对您帮助，欢迎打赏。这会成为我继续翻译的巨大动力。当然，我的译文如果能够让更多朋友看到，那么无论是肯定还是批评，都已经使我获得了巨大的满足。

感谢每一位花时间阅读本译文的朋友。是对知识，真理和自由的热爱，使素未谋面的我们有缘得识。

6. 鼓励与赞赏

可二

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The Power of Argument in a Crazy World

代序一：疯狂世界中的论证力量

文/雷米吉朱思·西马修斯（Remigijus Šimašius）

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We should not be very surprised that the world is crazy. Human nature leads to individual pursuit of goals, which leads to conflicts, power, and abuse of power. The world, however, is even more than crazy nowadays. Instead of looking for the solutions as to how to deal with the dark side of human nature, the world’s political and opinion leaders are busy ignoring the problem or making it much bigger. There are constant attacks on market economics and personal responsibility. Regulation, education, subsidies—everything is employed in the service of these attacks.

这个世界很疯狂，对此我们不应感到十分惊讶。人类天性倾向于追求个人的目标，这会导致冲突、权力和权力滥用。而且，今时今日，世界甚至更加疯狂。与寻找如何处理人类天性之阴暗面的解决方案相反，这个世界上的政治领袖与意见领袖忙于无视这一问题，或者让问题变得更加严重。对市场经济和个人责任的攻击一直持续不断。监管、教育、补贴——一切事物都被用来服务于这种攻击。

There are any number of strategies for dealing with this crazy world. You may go in line with it, rationalize its craziness, and earn a living by serving those whose interests are to keep the public ignorant. Or, you may analyze the world around you, showing what is wrong with it and how things really are. Hans Hoppe is one of those people who always looks for the truth, digs deeper than others, and does not hesitate to expose his ideas to others.

人们可以采用许多策略来应付这个疯狂的世界。你可以与它同流合污，合理化它的疯狂，通过服务于那些旨在让公众蒙在鼓里的人来谋生。或者，你也可以分析你周围的世界，表明它错在哪里，以及事
Let’s take some examples. Time preference is an essential issue when we speak about the creation of wealth. Hoppe explains that you may accumulate capital only if you are ready to postpone the pleasures of today for the sake of tomorrow. Saving, learning, and working mean the postponing of leisure and consumption.

But, if we look to the policies and sentiments dominant in the world today, we see that quite opposite virtues are being promoted: spending is treated as good, while saving is treated as bad, as is it hampers consumption today. Attacking the skilled, the talented, and the educated, not only with taxation, but with “progressive” taxation is treated as moral. Education is regarded as a benefit to the individual and society only for studies of things that do not bring financial gain. Working is discouraged by taxes, while not working is encouraged by subsidies. Hans Hoppe’s arguments demonstrate that you get exactly what you encourage and subsidize. If you subsidize laziness, you get laziness. If you subsidize poverty, you get poverty. As he writes,

As a result of subsidizing the malingerers, the neurotics, the careless, the alcoholics, the drug addicts, the AIDs-infected, and the physically and mentally “challenged” through insurance regulation and compulsory health insurance, there will be more illness, malingering, neuroticism, carelessness, alcoholism, drug addiction, AIDs infection, and physical and mental retardation.¹

¹ 原注：见本书第一章。
The economic crisis of 2008 (and the artificial boom preceding it) is another example of how crazy the world is. Everyone is in panic, everyone is desperately looking for solution, and most turn to the government for a rescue plan. But what about the credit expansion as the ultimate precondition to the crisis? The Austrian theory of the business cycle was ignored before the crisis because there was no crisis. Now the theory is ignored because it explains that the government is the source of the crisis, and because it counsels that we need patiently to wait while the market consummates the malinvestment which has been encouraged for years. Hoppe explains that if you want to address the crisis, you must change the monetary system and abolish state-imposed fiduciary media.1

2008年经济危机（以及此前人为制造的繁荣）是另一个表现了世界是何等疯狂的例子。每个人都陷入了恐慌，每个人都拼命寻找解决方案，绝大部分人都转头向政府寻求营救计划。但是，作为危机之终极前提的信贷扩张又如何呢？危机发生之前，人们忽视了奥地利学派商业周期理论，因为那时候还没有危机。现在，人们还是忽视这一理论，是因为它解释道，政府才是危机的根源，还因为它提出忠告说，当市场在修复多年来人们鼓励的不当投资时，我们需要耐心等待。霍普解释道，如果人们想处理危机，就必须改变货币制度，并废除国家强加的信用媒介。2

Hoppe’s axiom of private property is also of crucial importance. If you debate about ethical issues, it means that you presuppose your own right, as well as the right of other people, to debate the issue.3 This acceptance implies that you do respect the rights of others people involved in the debate to control their own bodies. And the conclusion is crucial: if you even begin debating what is right and what is wrong, it means that you already have acknowledged that private property is necessary and inescapable for any moral judgment. This

2 原注：见本书第四章。

3 原注：见本书第一卷；另见汉斯·赫尔曼·霍普“法币如何可能？或货币与信贷的退化（How is Fiat Money Possible？—or, The Devolution of Money and Credit。）”，载于《奥地利学派经济学评论（Review of Austrian Economics）》第7卷第2期（1994年）第49-74页；汉斯·赫尔曼·霍普、约格·吉多·许尔斯曼（Jörg Guido Hülsmann）和沃尔特·布洛克（Walter Block）“反对信用媒介（Against Fiduciary Media）”载于《奥地利经济学季刊（Quarterly Journal of Austrian Economics）》第1卷第1期（1998年）第19-50页。
applies even to those who try to argue against private property. The ethical ground for private property has never been so strong and deep before.

There are also many other fields where Hans Hoppe has pushed the limits of political and economic science. Monarchy is not as bad as democracy, he argues. This was and still is unacceptable to many intellectuals, and most people have followed the lead of the intellectuals because they have had no good arguments to the contrary. A simple reference to the “strong hand” of a dictator was not only politically incorrect and old fashioned, but also contrary to the goals and the image of society most people actually have. Hoppe provides a clear explanation to sort through this intellectual mess. The absence of democracy in public decision-making does not necessarily mean dictatorship and the most terrible exploitation of the people. On the contrary: democracy is the system which leads to dictatorship, exploitation of others, ignorance, and vulgarity.

汉斯·霍普推开了其他领域的许多政治和经济科学的限制。他论证道：君主制没有民主制那么糟糕。这一点，对许多知识分子来说，过去和现在都不可接受，绝大多数人民追随着知识分子的引领，是因为他们没有与之相反的好论据。简单地提到独裁者的“强有力之手”不仅政治不正确和过时，而且与绝大多数人民实际上对社会的想象和抱有的目标相对立。霍普提供了一种清晰的解释来梳理这种智识混乱。公共决策中缺乏民主并不必然意味着独裁和对人民最可怕的剥削。相反：民主是一种会导致独裁、剥削他人、无知和粗鄙的制度。


5 原注：见本书第二章。
The private provision of security is another topic which has benefitted from Hoppe’s insights.6 Every decent person often feels that the police are actually not providing adequate protection. But what is the alternative? Better this than nothing, or so many of those unsatisfied with government tend to conclude. An army of intellectuals is ready to help them reach this conclusion. Hoppe provides sound arguments and explains the economics of the private production of defense. No serious scholar can ignore Hoppe’s important arguments. Those who claim that there will be no security without government are simply mistaken. Now, you can direct them to Hans Hoppe’s works.

Hans Hoppe is not, however, just a scholar who presents good arguments and defends them competently and passionately. He is like an argument himself. Meeting Hans is quite an event for many. He is a person who possesses a natural authority; it is impossible not to notice him in any group of people. I do not mean that Hans speaks loud, tells jokes, or acts in some kind of bizarre or excited manner. On the contrary, he respects passionately. He is like an argument himself. Meeting Hans is quite an event for many. He is a person who possesses a natural authority; it is impossible not to notice him in any group of people. I do not mean that Hans speaks loud, tells jokes, or acts in some kind of bizarre or excited manner. On the contrary, he respects

移民、民主和监管——在所有这些议题上，都存在诸多糟糕的观念，而霍普在他的著作和演讲中处理得如此妥善。7


7 原注：关于移民问题，见汉斯-赫尔曼·霍普“自由贸易与限制移民的理由（The Case for Free Trade and Restricted Immigration）”载于《自由意志主义研究期刊》第 13 卷第 2 期 (1998 年夏)，第 221-233 页。同上，“自然秩序、国家与移民问题（Natural Order, the State, and the Immigration Problem）”载于《自由意志主义研究期刊》第 16 卷第 1 期 (2002 年冬) 第 75-97 页。
matters, and is self-confident enough not to need to show that he is “not like others.” It is just these good, old-fashioned manners, combined with huge intellect and knowledge which he never tries to hide from others, that make him a natural leader.

Hans knows how to present an argument in a way which is very understandable, even to a man of average intellectual capacities. His examples are sometimes so unexpected and direct that they really help or even force you to rethink what you have thought about the world before. It appears very natural for him, for example, to put a footnote in a book with a short explanation why public slavery is even worse than private slavery. It does not mean that Hans tries to be simple. He is just very straightforward. He does not hesitate to criticize even free-market advocates who are not consistent in their argumentation. If you say something absurd or make flawed arguments, he usually will not hide the fact from you. Perhaps for this reason, some people even seem to be intimidated by Hans Hoppe. Understandably, it is not always pleasant to have your arguments smashed in public.

I met Hans first when he was giving one of his brilliant lectures. I traveled the whole day from Vilnius to Krakow to hear that lecture. It was a complete satisfaction. It is not only Hoppe’s written texts which are so clear and appealing, but also his speeches. Subsequently, I have listened to his lectures, including on the same topics, several times. The strange thing is that they do not get boring, even the third or fourth time. The way he
puts arguments in order to address the topic properly may be called an intellectual story. Accuracy comes together with intellectual elegance, and “elegant” is precisely the world to describe his speeches. They have nothing special—no fancy slides or funny stories—just the precision, strength, and the elegance of the argument.

Hans does not present himself as a big scholar. On the contrary, his ambition is not very great when he speaks about the role of the scholar (including himself) in society. It is not his ambition to invent some completely new theory or find a terra incognita. On the contrary, Hoppe claims that the role of a decent scholar is, first of all, to preserve what is already found, explained, and discovered. Not to waste the knowledge of the mankind, but to preserve and explain it in modern language to new generations, is to him an already ambitious task. He does it perfectly. Contrary to many of those who are happy with their ambitious and often fallacious new theories, or with “philosophical razzle-dazzle,” he is always stressing the role of his teachers and predecessors, Rothbard and Mises.

汉斯没有把自己当做大学者。相反，当他谈及一个社会中学者（包括他自己）的作用时，他并没有多大的雄心。他的雄心不在于发明一些全新的理论或者发掘早已隐没的人物和知识。相反，霍普主张一个正派的学者的作用，首先是保存已经发现过、解释过和发掘过的东西。不浪费人类的知识，以现代语言向新生代保存和解释这些知识，对他来说，才是真正已经从事的雄心勃勃的任务。他完美地做到了这一点。与许多乐于标榜自己野心勃勃而常常谬误频出的新理论或“哲学噱头（philosophical razzle-dazzle）”的人相反，他总是突出自己的导师和先驱——罗斯巴德与米塞斯——的作用。

[9] 立陶宛的首都。

[10] 波兰的一座城市。

[11] 注：参看汉斯·赫尔曼·霍普“穆瑞·N·罗斯巴德与自由的伦理（Murray N. Rothbard and the Ethics of Liberty）”一文对罗伯特·诺奇克“诡异或松散连接的论点、猜想、谜题、反例、实验、悖论、意外转向、惊人扭曲、哲学噱头（disparate or loosely jointed arguments, conjectures, puzzles, counterexamples, experiments, paradoxes, surprising turns, startling twists, intellectual flashes, and philosophical razzle-dazzle）”的讨论，本文是
Courage is another thing which goes well with Hans Hoppe’s name. Political correctness is not a good principle to hold to when you are looking for the truth, and while many people pay lip service to the importance of truth, not everyone will defend it even when his own career and name are at stake. But when liberty and the truth are at the stake, Hans Hoppe will never give up. The well-known controversy surrounding an example given about the different time preferences among different groups of people perfectly illustrates this courage.

Our world has become crazy, but there is hope. Hans Hoppe and his works are an essential part of this hope.

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The Ordeal of Hoppe

代序二：霍普的磨难

文/斯蒂芬·金塞拉（Stephan Kinsella）

Has academia become so politicized that teaching good economics, and using politically sensitive
illustrations, can lead to threats, fines, penalties, demotion and worse? It certainly seemed so in early
February when Hans-Hermann Hoppe, a leading student of Murray Rothbard and senior fellow of the Mises
Institute, received an egregious letter from the Provost of his university.

It seems that last year, a student had become upset at an illustration Hoppe used in class. The Provost sided
with the student, and thereby blasted Hoppe for creating a "hostile learning environment" and further
demanded that Hoppe "cease mischaracterizing opinion as objective fact." Throughout the ordeal, Hoppe was
under constant investigation and harassment, but prevented from responding.

This attack on him not only represented a violation of the contract with the University but also impinges on a
sacrosanct principle of Western university life: academic freedom. As Mises said in a 1962 lecture:

对他的这种攻击，不仅代表着校方违反合同，而且冲击了西方大学生活的神圣原则：学术自由。正如
米塞斯在1962年的一场演说中所说：
even though European universities were owned and controlled by the government, no one dared to interfere with what was taught in the classroom. The point is crucial to the development of the liberal idea because it permitted economists and social scientists to criticize the state and advance a body of ideas in defense of freedom.

Due to national and international coverage of the case—written about on the wire services and in the Chronicle of Higher Education—the entire scholarly world is watching to see how this case is resolved.

Hoppe is a world-renowned economist, author, and speaker, as well as a pioneer in the libertarian tradition of political economy. An adherent of the Austrian school of economics (leading Austrian school economist F.A. Hayek won the Nobel Prize for Economics in 1974), he earned his Ph.D. in Philosophy and his Habilitation degree in Sociology and Economics, both from the Goethe-Universität in Germany. He taught at several German universities as well as at the Johns Hopkins University Bologna Center for Advanced International Studies, Bologna, Italy. In 1986, Hoppe joined UNLV’s economics department and has been a tenured full professor since 1992.
Constantly in demand for speaking engagements around the world, Hoppe is author of dozens of scholarly books and articles. His scholarly work covers areas such as money and banking, the methodology of the social sciences, comparative systems, European economic history, political ethics, the market for security, the theory of ownership and property rights, and economic institutions generally.

Because Professor Hoppe enjoys an international reputation—his books and essays have been translated and published in Korean, Italian, Spanish, Czech, Chinese, French, Danish, German, and eight other languages—his case has benefitted from an outpouring of support, especially from students who have studied under him both in the US and abroad.

He is a radical thinker and a system builder of the sort that academia should treasure, for his ideas offer a relentless challenge to students and colleagues. Because Professor Hoppe enjoys an international reputation—his books and essays have been translated and published in Korean, Italian, Spanish, Czech, Chinese, French, Danish, German, and eight other languages—his case has benefitted from an outpouring of support, especially from students who have studied under him both in the US and abroad.

The controversy surrounds comments made during two money and banking class lectures in March 2004, during which Professor Hoppe discussed the concept of "time preference." Time preference is an important notion in economics, and particularly in the Austrian school of economics, because it draws attention to the importance of time in the market process, identifying individuals’ varying degrees of willingness to defer the immediate consumption of goods in favor of saving and investment.
In his lecture, Hoppe explained by way of illustration that certain demographic groups that might tend not to have children, such as homosexuals, generally do not adopt as long an economic time horizon as those that do have children. The same is true, he said, of other groups such as the very young and very old, ceteris paribus. Individuals with higher time preference such as homosexuals, he continued, might engage in riskier behaviors. Agree or disagree with his illustration of an economic principle, an illustration which is certainly subject to empirical investigation, his comments were within bounds of the topic in question.

This was the lecture that led to the complaint and the subsequent international uproar against the UNLV administration for failing to defend Hoppe's freedom to teach. Instead of dismissing the student's complaint, the University launched a series of menacing investigations which culminated in the February 9, 2005 letter that declared that Professor Hoppe had created a "hostile learning environment." The letter goes on to instruct the professor to "cease mischaracterizing opinion as objective fact."

正是这堂课招来了抱怨，以及随后的反对内华达大学拉斯维加斯分校当局未能捍卫霍普的教学自由的国际性争论。与驱散学生的抱怨相反，这所大学发起了一系列威胁性调查，这些调查的高潮就是2005年2月9日的信件宣布，霍普教授制造了“有敌意的学习环境”。信件继续指令教授“别再把错误概括的意见当作客观事实”。

The decision by the UNLV administration is an unfortunate and significant erosion of the academic freedom guaranteed by the University's own bylaws, which state, in pertinent part:

内华达大学拉斯维加斯分校当局的决定，是对该大学自己的章程所承诺的学术自由的令人遗憾的和严重的侵蚀。其章程相关部分如下:
"Academic freedom is essential to these purposes and is applicable to both teaching and research. Freedom in teaching is fundamental for the protection of the rights of the teacher in teaching and of the student in learning. ... A member of the faculty has freedom and an obligation, in the classroom or in research, to discuss and pursue the faculty member's subject with candor and integrity, even when the subject requires consideration of topics which may be politically, socially or scientifically controversial."

The letter sent by the Provost directly contradicts this iron-clad promise of protection for the freedom to teach. It also establishes a fact-opinion dichotomy that is untenable in a university setting. An attempt to enforce it universally would lead to a shutdown of classroom life as it has been known in the whole history of academia. Professors themselves would be reduced to mere transmitters of received and accepted facts, thereby robbing the students of a serious education and an opportunity to have ideas presented and judged on their own merits. No serious university can operate under such strictures. Clearly, as the University’s own bylaws acknowledge, academic freedom permits and even obliges faculty to discuss controversial matters at variance with "common wisdom."

The implications of the University’s new policy are made clear by comments by the complaining student, an economics major who graduated from the University last. In published newspaper accounts, Knight claimed: "When the door closes and the lecture began, he needs to make sure he is remaining as politically correct as possible."
At stake is more than the reputation of an individual scholar, or the standing of a university that has failed to live by its by-laws which promise to protect the freedom to teach "even when topics are politically, socially or scientifically controversial." What is at stake is the integrity of the university learning environment itself. The incident politicizes the classroom environment to the point that neither students nor teachers can pursue science and truth without fear of political reprisal.

Especially now that this case has garnered international attention, it is crucial that it be resolved in favor of open debate and the free exchange of ideas. If justice is to prevail in this case, the University should end the harassment of Professor Hoppe, retract the "letter of instruction," and restore anew its commitment to academic freedom.

尤其是现在，这起案例已经引起了国际关注，它的解决是否有利于公开辩论和自由交换思想就至关重要了。如果该案例中正义得以实现，那么这所大学应该结束对霍普教授的骚扰，撤回“指示信”，重申其对学术自由的承诺。
Hans-Hermann Hoppe and the Libertarian Right

代序三：汉斯-赫尔曼·霍普与右翼自由意志主义

文/保罗·戈特弗里德（Paul Gottfried）

Paul Gottfried (gottfrpe@etown.edu) is Horace Raffensperger Professor of Humanities at Elizabethtown College and author of Multiculturalism and the Politics of Guilt, The Strange Death of Marxism, and Conservatism in America: Making Sense of the American Right, and his newly published autobiography, Encounters: My Life with Nixon, Marcuse, and Other Friends and Teachers.

作者简介：保罗·戈特弗里德（电子邮箱：gottfrpe@etown.edu），伊丽莎白城学院人文学科霍勒斯·拉芬斯伯格（Horace Raffensperger）教授和《多元文化主义与政治罪责（Multiculturalism and the Politics of Guilt）》、《马克思主义的离奇死亡（The Strange Death of Marxism）》、《保守主义在美国：理解美国右翼（Conservatism in America: Making Sense of the American Right）》的作者，他新出版了自传《邂逅：我生命中的尼克松、马尔库塞以及其他师友（Encounters: My Life with Nixon, Marcuse, and Other Friends and Teachers）》。

To most of his colleagues in the libertarian movement here and in Europe, Hans-Hermann Hoppe is known to be an intellectually energetic companion in arms. This reputation seems entirely deserved for anyone who looks at Hans’s numerous writings presenting libertarian views from a recognizably Austrian School perspective. Whether his subject is the welfare state’s effect on economic growth, the Federal Reserve System, the possibility of privatizing most modern government functions, business cycles, or public consumer protection agencies, Hans has come down invariably against the “State.” Although debate may occur about the details of these positions, Hans can always be found on policy questions among the advocates of the least possible government. Those who do not take such a stand would presumably not qualify as libertarians.

对于汉斯-赫尔曼·霍普在这里（美国）和欧洲的大部分自由意志主义（libertarian）运动的同事来说，他是一个智识上能量十足的战友。对任何一个从公认的奥地利学派视角看待汉斯诸多表达自由意志主
But beyond this area of consensus, there is an obvious gulf between left- and right-libertarians. This area of disagreement can be seen in a wide range of cultural, social, and historical issues, and the dividing line among self-described libertarians may be even more important than the consensus duly noted above. Although not the only illustration of a left-libertarian stance, a book by Stephen Moore and Julian Simon, It’s Getting Better All The Time, contrasting the U.S. in 1900 and in 2000, exemplifies the left-libertarian worldview—which is presumably that of Cato Institute, the foundation with which Moore is closely associated. For almost 300 pages, Moore and Simon dwell on the political, social, economic, and moral progress that the U.S. underwent between 1900 and 2000. This book is written against the “gloom and doom industry”; Lawrence Kudlow, in a breathlessly ecstatic endorsement, thanks Moore and Simon for “dismantling the doomsday pessimism that’s still so commonplace in academia and the media.”

Examining what they see as convincing data for the preceding one-hundred-year period with a view toward increased life expectancy; continuing technological advances; the availability of public education for the majority of American youth—including college degrees for half of our high-school graduates; the acquisition of civil rights for blacks, women, and gays; a successful national crusade against xenophobia; and a vast increase in per capita wealth, Moore and Simon argue that the U.S. “is a vastly better place today than it was a hundred years ago.” In contrast to those who complain about social disintegration and other signs of national decline, Moore and Simon see improvement in every aspect of human life.

2 原注：斯蒂芬•摩尔与朱利安•西蒙《一直在变好：过去一百年的100项最伟大的趋势（It’s Getting Better All the Time：100 Greatest Trends of the Last 100 Years）》（Washington, D.C.: Cato Institute, 2000）第1页。

3 gloom and doom industry，喻指那些专司发表悲观、黯淡观点的做法。
Much of the evidence offered that “the human condition has improved dramatically” relates to a cluster of technological and medical advances that have been going on for centuries. Such developments deserve to be noted but also need to be treated in historic context. For example, infant mortality has been steadily declining because of medical discoveries that were made partly in the nineteenth century, and the effect of this in the twentieth century was that fewer infants and mothers died during childbirth or shortly thereafter. This has caused a dramatic rise in median life expectancy. Nonetheless, it is misleading to suggest that 47 year old people were dropping dead all over the U.S. in 1900, when what was really happening was that a higher proportion of infants did not survive their first year of life.

People’s comments on education verge on the ludicrous, a judgment that my forty years in academia would amply confirm. The authors should have looked at the by now proliferating studies showing the plummeting standards of literacy, mathematical knowledge, and cultural knowledge among American youth and the particularly meager results yielded by the heavy public investment in bringing up standards for minorities and the underclass. In their celebration of progress, the authors are also not particularly sensitive to the drastic reductions of academic freedom in the U.S. and in Europe as a result of the triumph of democracy.

the multicultural Left. Public discourse on a variety of issues has been reduced to the recitation of PC platitudes about designated victims and the dangers of racism, sexism, and homophobia.

摩尔与西蒙关于教育的评论近乎滑稽，我个人四十年学院生涯可以充分证实这一判断。作者应该已经看到了迄今为止越来越多的研究显示，美国年轻人识字、数学知识、文化知识水准直线下降；而在提高少数族群与下层阶级的水准方面，大量的公共投资所产生的成果尤其微乎其微。在进步的欢呼声中，由于左翼多元文化主义的胜利，美国与欧洲的学术自由大幅减少，作者对此也没有表现出特别的敏感。大量议题中的公共话语已经缩减为背诵关于指定受害者和种族主义、性别歧视以及恐同主义危险的政治正确式的陈词滥调。

But my point here is less to challenge this book-length expression of heady optimism about human improvement than to stress the obvious. The authors do not object to massive governmental efforts to impose equality and end discrimination; this, in fact, is what much of their book is celebrating. Their argument, with due respect to the blurbers who praise this book as a hymn to freedom and free enterprise, is not a call for amelioration by getting government out of our faces. Quite the opposite conclusion might be drawn by anyone who reads the supposed good news from cover to cover. The rise of the most powerful states in modern history in the “democratic West” is not only not seen as a problem; it is made to appear to be the real means for advancing what our left-libertarian authors truly value. The consequence of the enormous consolidation of administrative power between 1900 and 2000 has been the entirely acceptable price for promoting human equality.

但是，本文的观点与其说是在挑战关于人类进步的这种长篇大论，且令人上头（heady）的乐观主义表述，不如说是在强调一些显而易见的东西。《一直在变好》的作者没有反对大众政府强加平等与结束歧视的努力；事实上，他们的书中很多地方在欢呼这种做法。尽管我尊重那些赞扬本书是自由与自由事业之赞歌的推荐者，但作者的论证并没有要求让政府进一步从我们面前滚蛋。任何人如果从头至尾阅读过这些假想的好消息，恰恰可能得出相反的结论——“民主西方”现代史上最强大的国家之崛起，不仅没有被视为一个问题；反而被认为似乎是促进我们的左翼自由意志主义作者真正重视的东西的真正促进。

5 原注: 例如, 克里斯·赫奇斯 (Chris Hedges)“美国文盲 (America the Illiterate)” Truthdig (Nov. 10, 2008); 罗伯特·罗伊·布里特 (Robert Roy Britt)“14%的美国成年人没有阅读能力 (14 Percent of U.S. Adults Can’t Read)” LiveScience.com (January 10, 2009)。
Left-libertarians have a special thing for equality. They see it as foundational for a foreign policy as well as domestic commitment, which is the bringing of equality to as much of the human race as they can manage to extend it to. One may agree or disagree with this value-preference, but the plain fact is that equality shapes the left-libertarian understanding of history and human affairs to a degree that its representatives may not even recognize. Thus, an argument one typically encounters among them is that it is silly to talk about liberty while blacks, women, gays, and so on have not yet been granted the same amount of this good as white males. And, even if we have achieved a reasonable amount of freedom for ourselves, we should value the natural right held by all human beings to have the same blessing made available to them.

左翼自由意志主义者对平等有特殊的看法。他们将平等视为外交政策与国内承诺之基础，这些政策与承诺会尽可能将平等带给大多数人类。人们可能认可或不认可这种价值偏好，但事实一目了然，对平等的价值偏好，形塑了左翼自由意志主义对历史与人类事态的理解，其形塑之程度，他们的代表人物甚至都还没有认识到。因此，他们当中经常出现一种观点——当黑人、妇女、男同性恋等等还没有得到白人男性所已经得到的好处时，谈论自由是愚蠢的。而且，即使我们为自己赢得了程度尚可的自由，我们也应该重视所有人种都拥有的自然权利，让他们也享有同样的祝福。

Whence the willingness of the left-libertarian Virginia Postrel to entertain the idea of wars fought to spread “democracy” and whence the morbid sensitivity of all left-libertarians to any theory that would make minorities feel uncomfortable by suggesting the existence of inherited cognitive inequalities? Although modern libertarians may talk about “equal rights,” among left-libertarians as much as socialists, the stress is on the “equal” distribution of the rights being privileged. This emphasis is what renders left-libertarians totally inoffensive to the big-government Left and the neoconservatives. Give or take some possible disagreements about particular regulations or drug laws, their views of history and the human good are largely indistinguishable.

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为什么左翼自由意志主义者弗吉尼亚·波斯特莱尔（Virginia Postrel）乐意接受为传播“民主”而发动战争的观念？为什么所有左翼自由意志主义者都对“任何认为存在天生的认知不平等，而让少数人感到不适”的理论都持有一种病态的敏感？尽管现代自由意志主义者可能会谈论“平等权利”，但左翼自由意志主义者大多与社会主义者一样，重点强调被赋予特权的权利的“平等”分配。这种强调使得左翼自由意志主义者对大政府主义左派（big-government Left）和“新”保守主义者（neoconservatives）完全无所冒犯。关于某些特定的监管或毒品法律，他们大约存在一些可能的分歧，除此之外，他们对历史与人类之善的大部分看法都不容易区分。

It is hard to imagine, on the other hand, anyone who personifies more fully the right-libertarian stance than Hans. Indeed, his work Democracy—The God that Failed is a treasure trove of right-libertarian statements about life and history. In contrast to Moore and Simon, Hans observes that

另一方面，我们很难想象有谁会比汉斯更充分地体现了右翼自由意志主义的立场。实际上，他的著作《民主：失败的上帝》是关于生命与历史的右翼自由意志主义观念的宝藏。与摩尔和西蒙相反，汉斯观察到：

[i]n comparison to the nineteenth century, the cognitive capacities of political and intellectual elites and the quality of public education have declined. And the rates of crime, structural unemployment, welfare dependency, parasitism, negligence, recklessness, incivility, psychopathy, and hedonism have increased.

与十九世纪相比，政治精英和知识精英的认知能力，以及公共教育的质量下降了。而犯罪率、结构性失业、福利依赖、寄生、失职、冲动、粗鄙、精神病和享乐主义也增加了。

Such assertions, which pervade his magnum opus, would obviously upset the statistical researchers Moore and Simon or the editors of the Wall Street Journal. Supposedly, they have demonstrated to our satisfaction the continuous unfolding of human Progress, whereas Hoppe has the temerity to propose exactly the opposite view.

见注345。

见本书第一章第5节。
In point of fact, his cultural and political assertions are at least as demonstrable as theirs. But unlike them, he has no special regard for the principle of equality. From his point of view, equality and the democratic form of government that the advocates of that ideal enshrine is a “decivilizing force.” It generates a constantly expanding public administration that interferes in social institutions, particularly the family, and confiscates wealth, in the name of “social justice” and the “public good.” Administered democracy may also seem too, for the sake of doctrinal consistency, the overrunning of one’s country by immigrants. At the very least, such a practice would offset the inertia that Postrel condemns in her book The Future and Its Enemies, in which she calls for “a world of constant creation, discovery, and competition.” In her hatred of “stasis,” Postrel is annoyed that people prefer custom to change: “I like my neighborhood the way it is. That is the all-too-understandable sentiment that motivates stastist policy.” The alternative to “keeping things as they are” is, for Postrel, among other things, favoring a continuing transformation of one’s culture and environment.

就事实而言，霍普的文化与政治主张至少与这些人的主张一样是可以得到证明的。但与他们不同，霍普并没有特别尊重平等原则。在他看来，平等与平等理想之拥护者所崇尚的民主政府形式是“反文明的力量”。它导致了对社会（尤其是家族）风俗的干预，导致了以“社会正义”和“公共之善”为名的财富的公共行政之持续扩张。为了保持学说的前后一致，实行民主似乎要允许移民泛滥。最起码的一点是，这样一种实践会抵消波斯特莱尔在其《未来及其敌人（The Future and Its Enemies）》一书中所谴责的“惰性（inertia）”。在该书中，她呼吁“一个持续创造、发现和竞争的世界”。在对“静态（stasis）”的痛恨中，波斯特莱尔对人们偏爱习惯而非改变感到愤怒：“我喜欢我的社区现在的样子。正是这种太容易理解（all-too-understandable）的情感刺激了静态政策。”对波斯特莱尔来说，“让事物保持原样”的替代选项是，支持在其他事情上持续改变人们的文化与环境。

9 原注：另见本书第二章第 4 节：“根据辉格党人的历史理论，人类不断向前进步，水准越来越高。这种理论是不正确的。”


11 原注：波斯特莱尔《未来及其敌人》第 204 页。
If the subject were the aggregate effects and distributed costs of our present immigration policy, Hoppe would have a stronger argument than the late Julian Simon. The social costs of our passion for diversity and undocumented, cheap labor are at least as great as Hoppe suggests. But it must be kept in mind that he and the left-libertarians are coming from entirely different value directions. Unlike them, he does not believe it is the duty of civil society to advance equal opportunities for the rest of the world, or even less, that the modern administrative state is a fitting instrument to carry out such a task. Nor does he have any patience with other characteristic assumptions of the left-libertarians, e.g., that democracy and liberal immigration policies expand the amount of ordered liberty in a country, that the more people we encourage to vote, the more “just” our society becomes, or that the quality of a civilization can be raised by increasing the extent of minimal literacy. Hoppe engages all of these sticky points—and other ones as well.

There is also much in his thought that is typically libertarian, such as his defense of Austrian economics and his model of civil society drawn at least partly from John Locke. For Hans the ideal society is a collection of property-owning individuals, who are left free to accumulate and spend wealth. They may also act collectively, on the basis of agreements, to restrict the membership of their property-holding community—or else to allow others to come in if they see fit. In this “anarcho-capitalist” vision, which was developed by Hans’s mentor Murray Rothbard, individual property HOLDERS should be free to conclude protective pacts, including agreements for raising their own military forces. They should also be authorized to bar from their communities unwanted immigrants who did not receive permission to settle there. Least of all should they be forced to provide for those with whom they did not elect to share their property assets. In this view, the state has co-opted activities that could be done more efficiently, or does not have to be done at all, by consenting property-holders. And these other arrangements would be possible if the state were not around.

汉斯的大部分思想还是典型的自由意志主义观念，例如他对奥地利经济学的捍卫，他对民间社会样板的描绘（这种描绘至少部分地来自约翰·洛克[John Locke]）等。对汉斯来说，理想的社会是可以自由积累和开销财富的财产所有者个体的集合。基于协议，他们也可以集体行动，限制其持有产权的社区（property-holding community）的成员资格，另外，如果他们认为合适，也可以允许其他人进入。这
But because of the present impossibility of junking this parasitic institution, Hans suggests (perhaps not entirely tongue-in-cheek) a return to an already tried political alternative, namely, monarchy. Much of Democracy—The God that Failed deals with this other model and with showing that it is less predatory than a democratic regime. Monarchs have the advantage over democratic rulers that they view the realm that they control as a hereditary possession, albeit one with restrictions on what they could do to others. Their hereditary right to their position, however, renders monarchs less inclined to plunder than democratic officeholders, who have only limited tenures and who therefore feel impelled to take as much as they can from taxes and public properties before they retire from office.

Moreover, democratically selected rulers are usually emboldened by their popular mandate to enrich themselves ad libitum, whereas monarchs have been surrounded by jealous aristocrats and churchmen who have imposed limits on their appetites. Although Hans may overstate both the countervailing forces in monarchies and the lack of controls in democracies, his larger point—that everything being equal, monarchies are not as oppressive as democracies can be and have been—is probably correct. Both the elevation of democratic government to godlike status and the preoccupation of this form of government with equality have increased the potential of modern democratic regimes for destroying property rights and communal rights. Such regimes practice a form of interventionism that was not available to most monarchies—and certainly not to the Western-type monarchies that existed in the nineteenth century.

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Significantly, Hans does not hold back in criticizing monarchies for doing in a quite primitive way what democratic administrations have succeeded in accomplishing with less fallout, which is monopolizing power. Like democrats, kings tried to marginalize their opposition by declaring all political authority to be a prerogative of the centralized state. Monarchical sovereignty was a prelude to democratic sovereignty, and it was based the same “original sin,” “the monopolization of the function of judge and peacemaker.” The best form of authority for Hans is, in fact, “the natural order,” one that is “[t]he natural outcome of the voluntary transactions between various private property owners” and which is “decidedly nonegalitarian, hierarchical, and elitist.” Any effort to bring this about in our democratic, late modernity is hailed as a positive step: “Thus, in addition to advocating the abdication of democracy, it is now of central strategic importance that at the same time ideological support be given to all decentralizing or even secessionist social forces.”

重要的是，汉斯并不讳言批评君主制以一种非常原始的方式做了民主政府所成功实现的事情，且后果更轻微，那就是垄断权力。与民主制相似，国王试图通过宣布一切政治权威都属于中央集权国家的特权来让自己的对手边缘化。君主主权是民主主权的前奏，它们基于同样的“原罪”——“对司法与和平缔造功能的垄断”。 对汉斯来说，权威的最佳形式实际上是“自然秩序”——“各个私有财产所有者自愿交易的自然结果”和“明确的非平等主义、等级制与精英主义”。能够给我们的后现代（late modernity）民主制带来自然秩序的任何努力都被嘉许为积极的步骤：“因此，除了主张放弃民主以外，核心策略中重要的是，必须同时给予一切去中心化的，甚至分离主义的社会力量以意识形态上的支持。”

### Notes

13 原注：见本书第二章第4节。

14 原注：见本书第二章第4节，以及汉斯-赫尔曼·霍普《财产、无政府与国家：资本主义理论研究 (Eigentum, Anarchie und Staat: Studien zur Theorie des Kapitalismus)》（Opladen: Westdeutscher Verlag, 1987）。

A question that might be raised is whether the generality of humankind would endorse the tendencies that Hans is promoting. Would democratic populations (who have ceased to be citoyens (citizens) or Staatsbürger in any meaningful sense) really want to live in the decentralized, elitist society that Hans recommends, one in which a “natural elite” possess “natural authority,” and, because of “selective mating” and the “laws of civil and genetic inheritance,” these “positions of natural authority are more likely than not passed on within a few noble families.”

Why would the majority want to acknowledge these “authority persons,” who presumably would arbitrate conflicts on the basis of the social deference that others extend to them? It is hard to see why most people would accept such arrangements, as opposed to a democracy, in which the promise is made and often fulfilled of redistributing goods to the voters. The question is not whether the democratic state robs from Peter to pay Paul (it obviously does that!) but whether Hans’s “natural order” offers most people what they want. The answer is an emphatic “no” and therefore this order (which looks a bit like Friedrich Hayek’s conception of “spontaneous order”) depends for its realization on the possibility of “decentralization and secession.” Absent such a possibility, this order is in no way feasible.

Two other observations may be appropriate for understanding more fully the libertarianism of the Right that Hans exemplifies. One, this libertarianism is a recognizable subspecies of what the Italian Marxist Domenico Losurdo calls “aristocratic radicalism,” which he explores in voluminous works on Friedrich Nietzsche (1844–1901). According to Losurdo, Nietzsche’s “critique of modernity” is based on his opposition to the leveling tendencies that he perceives in democracy and socialism. It was therefore perfectly consistent for Nietzsche to praise aristocratic societies, including the Indian caste system, and to advocate liberty in the
Western world of his time. That is because the state, as Nietzsche understood it, was becoming an instrument of equalization; and its attack on property relations would belong to a larger effort to remove all social and gender distinctions. Nietzsche, as Losurdo points out, also disliked Christianity, because he thought the “slave morality” that pervaded this religion and the culture it nurtured rendered them ineffective against the Left. He therefore broke with classical conservatives, who had viewed established religions as bulwarks against revolution. From Nietzsche’s perspective, Christianity and the Left were related worldviews, and only a new aristocratic order, one that had shed its Christian past, could save civilization from the unfolding of the egalitarian ideal, going from democracy into socialism and feminism.

另外两项观察可能接近于更全面地理解汉斯所阐明的右翼自由主义。第一，这种自由意志主义是一种可以被识别为意大利马克思主义者多米尼科·洛苏尔多 (Domenico Losurdo) 从弗里德里希·尼采 (Friedrich Nietzsche) (1844-1901 年) 的浩繁著作中发掘出来的，称之为“贵族激进主义”的亚种。对洛苏尔多来说，尼采的“现代性批评”乃是基于他对从民主与社会主义中察觉到的一碗水端平趋势的反对。因而，对尼采来说，赞扬贵族社会 (包括印度种姓制度和拥护他所在时代的西方世界的自由) 是十分逻辑一致的。正如尼采所理解的那样，这是因为国家正在成为实现平等的机制；它对财产关系的攻击，从属于更强大的清除一切社会与性别差异的努力之一部分。如洛苏尔多所指出的那样，尼采也不喜欢基督教，因为它认为这种宗教中弥漫着“奴隶道德”，基督教所培育的文化使基督徒不能有效地反对左派。因此，他与古典保守派决裂，后者将已经成建的宗教看作是反对革命的堡垒。从尼采的视角看，基督教与左派世界观是相联系的，只有摆脱基督教历史包袱的新贵族秩序，才能从正在由民主走向社会主义和女权主义的平等主义理想的展开中拯救文明。

In addition to the aristocratic radicalism that animates Hans’s libertarianism (albeit without Nietzsche’s passionate dislike for Christianity), there is another influence on his work that deserves to be stressed. His German background has made him allergic to the “American democratic” ideal, as Hans states candidly in the opening lines of the Preface to the German edition of his magnum opus:

除了这种激发了汉斯的自由意志主义（不过汉斯没有尼采那种讨厌基督教的情感）的贵族激进主义之外，还有一种对其成果的影响值得着重强调。他的德意志背景让他对“美式民主”理想过敏，汉斯在其著作的德语版本前言中开门见山地坦承了这一点：

17 原注：多米尼科·洛苏尔多《Nietzsche il Ribelle Aristocratico: Biografia Intelettuale e Bilancio Critico》 (Turin: Bollati Boringhieri, 2002)。
“Politically incorrect” is what the rulers and in particular the victors among the rulers proclaim. The great victor of the 20th century, in particular as far as Germany is concerned, is the USA. Hence, the USA has determined the “correct” interpretation especially of recent history. Defeated Germany was not only occupied, but also reeducated. Germany’s schools and universities, under almost complete government control, and the governmentally licensed mass media, have proclaimed to this day the official American view of history and in particular of the 20th century as a triumph of good over evil.\footnote{Hans-Jürgen Schwesig (ed.), Hans Notzing’s Charakterwäsche: Die Politik der amerikanischen Umerziehung in Deutschland, has left Hans understandably skeptical about the modern democratic project. His relation as a student to Jürgen Habermas, the German thinker and publicist who more than anyone else in his country has called for a rejection of a German national identity and for the creation of a new “constitutional patriotism,” based on supposedly universal democratic values, may explain even more about Hans’s intellectual odyssey.}

“政治不正确”是统治者，尤其是统治者中的胜利者所宣称的东西。特别是就德国而言，二十世纪的伟大胜者是美国。因此，美国决定了什么是关于历史，尤其是近现代历史的“正确”解释。战败的德国不仅被占领了，而且被再教育了。德国那些几乎完全受控于政府的中小学和大学和那些由政府颁发许可证的大众媒体，一直将时至今日的美国官方史观，尤其是关于二十世纪的史观，宜称为是扬善惩恶的胜利。

It is hard to ignore the likely connection between Hans’s detestation of the “State” in all of its modern manifestations and the use of postwar public administration in West Germany, perhaps even more than in the Communist East, to humiliate his nation. His sense of what was done to “reeducate” defeated Germans after the War, which is documented in detail in Caspar von Schrenk-Notzing’s Charakterwäsche: Die Politik der amerikanischen Umerziehung in Deutschland, has left Hans understandably skeptical about the modern democratic project. His relation as a student to Jürgen Habermas, the German thinker and publicist who more than anyone else in his country has called for a rejection of a German national identity and for the creation of a new “constitutional patriotism,” based on supposedly universal democratic values, may explain even more about Hans’s intellectual odyssey.

很难忽略汉斯对“国家”的所有现现代表现的痛恨与美国利用战后公共管理对所所在的民族的羞辱（这种羞辱也许甚至比东德更严重）之间可能存在的联系。汉斯对战争结束后战败的德国的“再
Hans has seen the ugliest side of modern, guided democracy, which is the side that keeps getting shoved into the faces of its critics. The fact that the advocates of an American global democratic mission, a group now insanely referred to as “conservatives,” have elevated German reeducation to a global model is further proof of the imperialistic side of the ideology that Hans goes after. This new democratic undertaking may have added to his discomfort with “the god that failed.” If this is the case, then his discomfort is fully justified.

汉斯看到了现代的、有导向性的民主最丑陋的一面，也就是不断被推到其批评者面前的那一面。美国全球化民主使命的拥护者——一群被人们疯狂地指为“保守主义者”的人——把对德国的“再教育”高估为全球样板，这一事实成了汉斯后来深入探讨的意识形态之帝国主义一面的进一步证据。这种新民主事业也许增加了他对“失败的上帝”的不快。如果情况的确如此，那么他的不快是有充分合理性的。

\[\text{原注：卡斯帕·冯·施伦克-诺辛《性格清洗：德国美国再教育的政治学（Charakterwäsche: Die Politik der amerikanischen Umerziehung in Deutschland）》（Graz: Ares Verlag, 2004）以及厄内斯特·冯·萨洛蒙（Ernst von Salomon）《调查问卷第17版（Der Fragebogen, seventeenth ed）》（Rowohlt Taschenbuch Verlag, 2007）。}\]

\[\text{霍普后来在学术思想上与哈贝马斯决裂了。}\]
致谢

Most of the following studies have grown out of speeches delivered at various conferences sponsored by the Ludwig von Mises Institute and the Center for Libertarian Studies. Several of them have been published previously at different locations and in various translations. However, for the present occasion all of them have been systematically revised and substantially enlarged. I thank Llewellyn H. Rockwell Jr., president of the Ludwig von Mises Institute, and Burton S. Blumert, president of the Center for Libertarian Studies, for their continual support, financially and personally, in developing and elaborating the ideas presented here.

Others who afforded me a forum to express and test my ideas and thus contributed to the present work include Cristian Comanescu, Robert Nef, Gerard Radnitzky, Jiri Schwarz, Jesus Huerta de Soto, and Josef Sima. Thanks go to them, as well as to an anonymous benefactor for his ongoing financial support.

For many years I have been blessed with the friendship of Walter Block, David Gordon, Jeffrey Herbener, Guido Hiilsmann, Stephan Kinsella, Ralph Raico, and Joseph Salerno. While none of them can be held responsible for any of my ideas, all of them, through suggestions and criticisms in countless conversations as well as their own scholarly writings, have exercised an indelible effect on my thinking.
多年来，沃尔特·布洛克（Walter Block）、大卫·戈登（David Gordon）、杰弗里·赫布纳（Jeffrey Herbener）、吉多·许尔斯曼（Guido Hiilsmann）、斯蒂芬·金塞拉（Stephan Kinsella）、拉尔夫·雷科（Ralph Raico）和约瑟夫·萨勒诺（Joseph Salerno）的友谊一直伴我左右。虽然他们谁也无须对我的任何观点负责，但是无数次谈话中他们所有人给我的建议和批评，以及他们的学术著作对我的思想产生了不可磨灭的影响。

Even more important has been the influence of Ludwig von Mises and Murray N. Rothbard. My intellectual debt to their work is notable and, I can only hope, has been dutifully and adequately acknowledged throughout the following studies. To Murray N. Rothbard, with whom I was fortunate to have been closely associated during the last decade of his life, I further owe a profound personal debt. His friendship, and his example of moral courage and of the ability to stay kind, and indeed cheerfully optimistic in the face even of seemingly overwhelming adversity, have deeply and lastingly affected my own conduct and outlook on life.

更重要的影响来自路德维希·冯·米塞斯（Ludwig von Mises）和穆瑞·N·罗斯巴德（Murray N. Rothbard）。他们的工作对我的智识惠赐良多，我只希望，我的下述研究处处尽职尽责地对得起这种惠赐。我个人还深深地受惠于穆瑞·N·罗斯巴德。在他生命的最后十年，我有幸一直保持着与他的密切联系。他的友谊、他在道德勇气上的榜样和保持良善的能力，以及面对甚至看似万劫不复的逆境时也心怀真正爽朗的乐观主义的态度，深远地影响着了我自己的行为和人生观。

Last but not least, I thank my wife, Margaret Rudelich Hoppe, not just for assuming for more than twenty years now the thankless task of editing my English writings, but for always finding the time and energy, in between her work, household, and care for our two teenage children, to provide me with encouragement, comfort, and happiness.

最后，但并非最不重要的是，感谢我的妻子玛格丽特·鲁德利希·霍普（Margaret Rudelich Hoppe），二十多年来，她不仅承担了对我的英文著作的吃力不讨好的编辑工作，而且总是在工作、家务和照顾我们两个十多岁的孩子的间隙腾出时间与精力，给予我鼓励、安慰和快乐。

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1 以上都是著名的当代奥地利学派中坚力量和著名的自由意志主义取向的学者，有兴趣的朋友可以按图索骥。

2 这句话的原文是：My intellectual debt to their work is notable，直译为我的知识对他们的工作的亏欠是显著的。此处倒转意译了一下，以贴近致谢辞文体。
World War I marks one of the great watersheds of modern history. With its end the transformation of the entire Western world from monarchical rule and sovereign kings to democratic-republican rule and sovereign people that began with the French Revolution was completed. Until 1914, only three republics had existed in Europe—France, Switzerland, and after 1911, Portugal; and of all major European monarchies only the United Kingdom could be classified as a parliamentary system, i.e., one in which supreme power was vested in an elected parliament. Only four years later, after the United States had entered the European war and decisively determined its outcome, monarchies all but disappeared, and Europe along with the entire world entered the age of democratic republicanism.

在欧洲，军事上战败的罗曼诺夫王朝、霍亨索伦王朝和哈布斯堡王朝不得不逊位或屈服，而俄国、德国和奥地利成为拥有男女普选权和议会政府和民主共和国。同样，除南斯拉夫以外，所有新产生的后
The world-historic transformation from the ancien régime of royal or princely rulers to the new democratic-republican age of popularly elected or chosen rulers may be also characterized as that from Austria and the Austrian way to that of America and the American way. This is true for several reasons. First, Austria initiated the war, and America brought it to a close. Austria lost, and America won. Austria was ruled by a monarch—Emperor Franz Joseph—and America by a democratically elected president—Professor Woodrow Wilson. More importantly, however, World War I was not a traditional war fought over limited territorial objectives, but an ideological one; and Austria and America respectively were (and were perceived as such by the contending parties) the two countries that most clearly embodied the ideas in conflict with each other.¹

²即继承了被废君主原来统治区域的各个新国家。
³指斯堪的纳维亚半岛上的瑞典、挪威。
⁴原注：关于第一次世界大战起因和后果的精辟总结，见拉尔夫·雷科（Ralph Raico）《第一次世界大战：转折点（World War I: The Turning Point）》，载于《战争的代价：美国得不偿失的胜利（The Costs of War: America’s Pyrrhic Victories）》，约翰·V·但森（John V. Denson）主编（New Brunswick, NE: Transaction Publishers, 1999）。
U.S. President Wilson. Under Wilson's administration, the European war became an ideological mission—to make the world safe for democracy and free of dynastic rulers. When in March 1917 the U.S. allied Czar Nicholas II was forced to abdicate and a new democratic-republican government was established in Russia under Kerensky, Wilson was elated. With the Czar gone, the war had finally become a purely ideological conflict: of good against evil. Wilson and his closest foreign policy advisors, George D. Herron and Colonel House, disliked the Germany of the Kaiser, the aristocracy, and the military elite. But they hated Austria. As Erik von Kuehnelt-Leddihn has characterized the views of Wilson and the American Left,

第一次世界大战始于旧式的领土争议。然而，随着美国的早期卷入和1917年最终正式参战，战争呈现出新的意识形态维度。美国已经建立了共和制，而作为共和制之内的民主原则，只是在最近才迎来胜利，它是中央集权的联合政府以暴力击败和摧毁了分离主义邦联的结果。一战期间，获胜的扩张主义民主共和观念，在当时的美国总统威尔逊身上找到了它的完美化身。在威尔逊的主导下，欧洲战争背负了意识形态的使命——让世界从王朝统治下解放出来，并因民主而安全。1917年3月，美国的盟友沙皇尼古拉二世被迫逊位，在克伦斯基（Kerensky）的领导下一个新的民主共和政府建立了，威尔逊高兴极了。随着沙皇的消失，战争最终成为纯粹的意识形态冲突：善良与邪恶的较量。威尔逊与其最亲密的外交政策顾问乔治·D·赫伦（George D. Herron）和豪斯上校（Colonel House）不喜欢德国皇帝、贵族和军事精英。但是他们痛恨奥地利。埃里克·冯·库奈特·莱迪恩（Erik von Kuehnelt Leddihn）曾将威尔逊和美国左派的观点概括为：

5 指1861-1866年美国南北战争。

6 俄国二月革命时的民主派领导人，曾一度担任议会政府总理。

7 一战的两个集团是同盟国和协约国，同盟国的主导者是奥匈帝国和德国，它们都是君主制国家；协约国的主导者是本来是英国、法国和俄国，随着美国的参战和沙皇退位，协约国的主导者都成为了民主共和制国家，然后协约国集团将此次战争解释为正义的民主共和体制与邪恶的君主制之间的战争。

8 豪斯上校，爱德华·豪斯，Edward House（1858年7月26日—1938年3月28日），美国外交家，人称“豪斯上校”。是美国总统伍德罗·威尔逊、富兰克林·罗斯福的智囊高参。豪斯生在得克萨斯州一个富裕的银行家家庭，父亲托马斯在美国内战期间是欧洲罗斯柴尔德家族的代理人。父亲死后，他变卖农场进入银行业，进而从政。1894-1904年任多位德克萨斯州州长的顾问，其中一位赠予他荣誉上校军衔，但他并没有任何军事经验，却从此以“豪斯上校”之称闻名于世。与典型的美国政治人物不同，此公对大众政治和媒体极为排斥，更乐意扮演18世纪欧洲外交中宫廷顾问和秘密信使的角色。1902年他搬到纽约，1911年认识威尔逊，1912年匿名出版了一本书《管理者菲利普·德鲁》（Philip Dru: Administrator），在小说中，他构思了一个仁慈的独裁者掌握了美国两党的权力，成立了中央银行，实施了联邦累进收入所得税，废除了保护性关税，建立了社会安全体系，组成了国际联盟等。他在书中所“预测”的未来世界与后来美国所发生的一切惊人相似，让后世历史学家惊叹不已。小说出版后，也深受当时政界和社会好评，因此，豪斯迅速成为政界宠儿。他几乎主持策划了威尔逊总统竞选的一切事务，是威尔逊赢得竞选的最大幕后功臣。当选之后，当选总统的威尔逊仔细阅读了豪斯的《菲利普·德鲁：管理者》。从1913年到1914年，威尔逊的政策和立法，几乎就是豪斯小说的翻版。但是他对总统任命他为内阁成员的邀约，继续担任顾问。相继担任驻英、法、德等国的总统代表，协助起草凡尔赛和约以及国际联盟盟约。后因和威尔逊意见相左，在凡尔赛和约问题上不欢而散（1919）。罗斯福成为美国总统后，他再度成为总统的智囊高参。但对他对罗斯福新政大失所望，也许是年事已高，豪斯上校只在私下对新政的很多做法表示保留态度。1938年，豪斯上校去世。
"Austria was far more wicked than Germany. It existed in contradiction of the Mazzinian principle of the national state, it had inherited many traditions as well as symbols from the Holy Roman Empire (double-headed eagle, black-gold colors, etc.); its dynasty had once ruled over Spain (another bite noire); it had led the Counter-Reformation, headed the Holy Alliance, fought against the Risorgimento, suppressed the Magyar rebellion under Kossuth (who had a monument in New York City), and morally supported the monarchical experiment in Mexico. Habsburg—the very name evoked memories of Roman Catholicism, of the Armada, the Inquisition, Metternich, Lafayette jailed at Olmutz, and Silvio Pellico in Briinn's Spielberg fortress. Such a state had to be shattered, such a dynasty had to disappear."

"奥地利比德国邪恶得多。它与民族国家的马志尼主义原则（the Mazzinian principle）存在矛盾，它从神圣罗马帝国那里继承了许多象征（如双头鹰，黑金色等等），它的王朝曾经统治过西班牙（又一个黑点[bite noire]）；它曾领导了反宗教改革运动和以它为首的神圣联盟，反对意大利复兴运动（Risorgimento），镇压了科苏特（Kossuth）（纽约有一座他的纪念碑）领导的马札尔人起义，"并且在道义上支持墨西哥的君主制实验。哈布斯堡——正是这个名字唤醒了人们对罗马天主教、西班牙无敌舰队、宗教裁判所、梅特涅（Metternich）"、被囚禁在

9 马志尼主义，源起于意大利著名爱国者、革命者马志尼（Mazzini）的一种自由主义与民族主义混合的思想。它是 19 世纪中后期欧洲民族国家兴起中的一种典型思潮。它主张国家应该由单一民族组成，并且应以普选权为基础，成为民主共和制的国家，这样民族和个人才能实现自由。马志尼主义后来被墨索里尼加以利用和阐发，成为意大利法西斯主义的思想来源之一。

10 科苏特，匈牙利民族独立运动领导人。马札尔，匈牙利主要民族，常常与民族意义上的匈牙利人这个词混用。

11 梅特涅，奥地利重要政治人物，欧洲保守主义政治家的代表。
As an increasingly ideologically motivated conflict, the war quickly degenerated into a total war. Everywhere, the entire national economy was militarized (war socialism), and the time-honored distinction between combatants and noncombatants and military and civilian life fell by the wayside. For this reason, World War I resulted in many more civilian casualties—victims of starvation and disease—than of soldiers killed on the battlefields. Moreover, due to the ideological character of the war, at its end no compromise peace but only total surrender, humiliation, and punishment was possible. Germany had to give up her monarchy, and Alsace-Lorraine was returned to France as before the Franco-Prussian War of 1870-71. The new German republic was burdened with heavy long-term reparations. Germany was demilitarized, the German Saarland was occupied by the French, and in the East large territories had to be ceded to Poland (West Prussia and Silesia). However, Germany was not dismembered and destroyed. Wilson had reserved this fate for Austria. With the deposition of the Habsburgs the entire Austrian-Hungarian Empire was dismembered. As the crowning achievement of Wilson's foreign policy, two new and artificial states: Czechoslovakia and Yugoslavia, were carved out of the former Empire. Austria herself, for centuries one of Europe's great powers, was reduced in size to its small German-speaking heartland; and, as another of Wilson's legacies, tiny
Austria was forced to surrender its entirely German province of Southern Tyrolia—extending to the Brenner Pass—to Italy.

Since 1918 Austria has disappeared from the map of international power politics. Instead, the United States has emerged as the world's leading power. The American age—the pax Americana—had begun. The principle of democratic republicanism had triumphed. It was to triumph again with the end of World War II, and once more, or so it seemed, with the collapse of the Soviet Empire in the late 1980s and early 1990s. For some contemporary observers, the "End of History" has arrived. The American idea of universal and global democracy has finally come into its own.

自 1918 年开始，奥地利从国际政治列强版图上消失。相反，美国已经成为领导世界的大国。美国时代——“美国治下的和平”（the pax Americana）——开始了。民主共和原则胜利了。随着二战结束，它又一次胜利了，并且随着苏维埃帝国在 1980 年代末和 1990 年代初崩溃，民主共和原则再一次取得

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原注：见穆瑞·N·罗斯巴德《一战中的战争集体主义（War Collectivism in World War I）》，载于《利维坦新历史（A New History of Leviathan）》，罗纳德·拉多什 (Ronald Radosh) 和穆瑞·N·罗斯巴德主编 (New York: E.P. Dutton, 1972)；罗伯特·希格斯 (Robert Higgs) 《危机与利维坦 (Crisis and Leviathan)》(New York: Oxford University Press, 1987)。
了胜利，至少看似如此。对一些当代观察家来说，“历史的终结”已经到来。普遍和全球化民主的美国观念最终成为了现实（come into its own）。

Meanwhile, Habsburg-Austria and the prototypical pre-democratic Austrian experience assumed no more than historical interest. To be sure, it was not that Austria had not achieved any recognition. Even democratic intellectuals and artists from any field of intellectual and cultural endeavor could not ignore the enormous level of productivity of Austro-Hungarian and in particular Viennese culture. Indeed, the list of great names associated with late nineteenth and early twentieth century Vienna is seemingly endless. However, rarely has this enormous intellectual and cultural productivity been brought in a systematic connection with the pre-democratic tradition of the Habsburg monarchy. Instead, if it has not been considered a mere coincidence, the productivity of Austrian-Viennese culture has been presented "politically correctly" as proof of the positive synergistic effects of a multiethnic society and of multiculturalism.

同时，哈布斯堡-奥地利及其有范本意义的奥地利前民主经验，被假定为不过是一种历史效益。诚然，这并不是说奥地利没有得到任何承认。即使是民主派知识分子和艺术家，不管他们来自什么知识与文化领域，都不会忽略奥地利-匈牙利（Austro-Hungarian），特别是维也纳极高水准的文化生产力。的确，与十九世纪末二十世纪初维也纳有关的伟大人物名单似乎难以穷举。然而，人们几乎不曾将这种

*s* 原注：见弗朗西斯·福克曼（Francis Fukuyama）《历史的终结与最后一人（The End of History and the Last Man）》（New York: Avon Books，1992）。

**s** 原注：该名单包括哲学家路德维希·波尔兹曼（Ludwig Boltzmann）、弗兰茨·布伦塔诺（Franz Brentano）、罗伯特·卡纳普（Rudolph Carnap）、埃德蒙·胡塞尔（Edmund Husserl）, 恩斯特·马赫（Ernst Mach）、亚历克修斯·迈农（Alexius Meinong）、卡尔·波普尔（Karl Popper）、莫里茨·施利克（Moritz Schlick）、和路德维希·维特根斯坦（Ludwig Wittgenstein）; 数学家库尔特·戈德尔（Kurt Godel）; 汉斯·哈恩（Hans Hahn）; 卡尔·门格尔（Carl Menger）【译注：奥地利数学家、经济学家尤金·冯·博伊曼（Eugen von Bohm-Bawerk）、经济学家和金融学家路德维希·冯·哈耶克（Ludwig von Mises）、经济学家和政治哲学家阿尔弗雷德·冯·哈耶克（Alfred von Hayek）、经济学家和心理学家卡尔·冯·弗里德里希（Carl von Friedrich）、经济学家和经济学家卡尔·冯·哈耶克（Friedrich A. von Hayek）、经济学家和经济学家卡尔·门格尔（Carl Menger）、经济学家和经济学家弗里茨·门格尔（Fritz Machlup）、经济学家和经济学家哈塞尔（Hans Kelsen）、经济学家和经济学家安东尼·门格尔（Anton Menger）和经济学家和经济学家奥托·冯·弗里德里希（Otto von Friedrich）、经济学家和经济学家安东尼·冯·弗里德里希（Anton Friedrich）、经济学家和经济学家保罗·拉扎费尔德（Paul Lazarsfeld）、经济学家和经济学家亚历山大·冯·克劳塞维茨（Alexander von Klauß）、经济学家和经济学家卡尔·冯·鲍尔曼（Karl von Bawerk）、经济学家和经济学家卡尔·冯·布伦塔诺（Karl von Brentano）、经济学家和经济学家恩斯特·冯·哈耶克（Ernst von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Eugen von Bohm-Bawerk）、经济学家和经济学家卡尔·冯·哈耶克（Ludwig von Mises）、经济学家和经济学家卡尔·冯·哈耶克（Alfred von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Ernst von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Eugen von Bohm-Bawerk）、经济学家和经济学家卡尔·冯·哈耶克（Ludwig von Mises）、经济学家和经济学家卡尔·冯·哈耶克（Alfred von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Ernst von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Eugen von Bohm-Bawerk）、经济学家和经济学家卡尔·冯·哈耶克（Ludwig von Mises）、经济学家和经济学家卡尔·冯·哈耶克（Alfred von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Ernst von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Eugen von Bohm-Bawerk）、经济学家和经济学家卡尔·冯·哈耶克（Ludwig von Mises）、经济学家和经济学家卡尔·冯·哈耶克（Alfred von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Ernst von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Eugen von Bohm-Bawerk）、经济学家和经济学家卡尔·冯·哈耶克（Ludwig von Mises）、经济学家和经济学家卡尔·冯·哈耶克（Alfred von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Ernst von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Eugen von Bohm-Bawerk）、经济学家和经济学家卡尔·冯·哈耶克（Ludwig von Mises）、经济学家和经济学家卡尔·冯·哈耶克（Alfred von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Ernst von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Eugen von Bohm-Bawerk）、经济学家和经济学家卡尔·冯·哈耶克（Ludwig von Mises）、经济学家和经济学家卡尔·冯·哈耶克（Alfred von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Ernst von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Eugen von Bohm-Bawerk）、经济学家和经济学家卡尔·冯·哈耶克（Ludwig von Mises）、经济学家和经济学家卡尔·冯·哈耶克（Alfred von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Ernst von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Eugen von Bohm-Bawerk）、经济学家和经济学家卡尔·冯·哈耶克（Ludwig von Mises）、经济学家和经济学家卡尔·冯·哈耶克（Alfred von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Ernst von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Eugen von Bohm-Bawerk）、经济学家和经济学家卡尔·冯·哈耶克（Ludwig von Mises）、经济学家和经济学家卡尔·冯·哈耶克（Alfred von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Ernst von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Eugen von Bohm-Bawerk）、经济学家和经济学家卡尔·冯·哈耶克（Ludwig von Mises）、经济学家和经济学家卡尔·冯·哈耶克（Alfred von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Ernst von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Eugen von Bohm-Bawerk）、经济学家和经济学家卡尔·冯·哈耶克（Ludwig von Mises）、经济学家和经济学家卡尔·冯·哈耶克（Alfred von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Ernst von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Eugen von Bohm-Bawerk）、经济学家和经济学家卡尔·冯·哈耶克（Ludwig von Mises）、经济学家和经济学家卡尔·冯·哈耶克（Alfred von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Ernst von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Eugen von Bohm-Bawerk）、经济学家和经济学家卡尔·冯·哈耶克（Ludwig von Mises）、经济学家和经济学家卡尔·冯·哈耶克（Alfred von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Ernst von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Eugen von Bohm-Bawerk）、经济学家和经济学家卡尔·冯·哈耶克（Ludwig von Mises）、经济学家和经济学家卡尔·冯·哈耶克（Alfred von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Ernst von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Eugen von Bohm-Bawerk）、经济学家和经济学家卡尔·冯·哈耶克（Ludwig von Mises）、经济学家和经济学家卡尔·冯·哈耶克（Alfred von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Ernst von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Eugen von Bohm-Bawerk）、经济学家和经济学家卡尔·冯·哈耶克（Ludwig von Mises）、经济学家和经济学家卡尔·冯·哈耶克（Alfred von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Ernst von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Eugen von Bohm-Bawerk）、经济学家和经济学家卡尔·冯·哈耶克（Ludwig von Mises）、经济学家和经济学家卡尔·冯·哈耶克（Alfred von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Ernst von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Eugen von Bohm-Bawerk）、经济学家和经济学家卡尔·冯·哈耶克（Ludwig von Mises）、经济学家和经济学家卡尔·冯·哈耶克（Alfred von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Ernst von Hayek）、经济学家和经济学家恩斯特·冯·哈耶克（Eugen von Bohm-Bawerk)。
However, at the end of the twentieth century increasing evidence is accumulating that rather than marking the end of history, the American system is itself in a deep crisis. Since the late 1960s or early 1970s, real wage incomes in the United States and in Western Europe have stagnated or even fallen. In Western Europe in particular, unemployment rates have been steadily edging upward and are currently exceeding ten percent. The public debt has risen everywhere to astronomical heights, in many cases exceeding a country's annual Gross Domestic Product.

Similarly, the social security systems everywhere are on or near the verge of bankruptcy. Further, the collapse of the Soviet Empire represented not so much a triumph of democracy as the bankruptcy of the idea of socialism, and it therefore also contained an indictment against the American (Western) system of democracy—rather than dictatorial—socialism. Moreover, throughout the Western hemisphere national, ethnic and cultural divisiveness, separatism and secessionism are on the rise. Wilson's multicultural democratic creations, Yugoslavia and Czechoslovakia, have broken apart. In the U.S., less than a century of full-blown democracy has resulted in steadily increasing moral degeneration, family and social disintegration, and cultural decay in the form of continually rising rates of divorce, illegitimacy, abortion, and crime. As a
同样，世界各地的社会保障体系正处于或接近破产边缘。此外，苏维埃帝国的垮台与其说是民主的胜利，不如说是社会主义思想的破产；因此，它还包含了对美国（西方）民主（而非独裁）社会主义制度的控诉。此外，在整个西半球，国家（national）、民族（ethnic）以及文化的分歧、撕裂和分离主义正在抬头。威尔逊的多元民主产物（multicultural democratic creations）——南斯拉夫和捷克斯洛伐克已经分裂。在美国，民主制度开花（full-blown）不到一百年，已经导致了日益增长的道德沦丧、家庭与社会解体和文化衰退，表现为离婚率、非婚生子女率、堕胎率和犯罪率持续上升。由于反歧视法律——“平权行动（affirmative action）”和反歧视的、多元文化主义的、平等主义的移民政策清单的不断扩大，美国社会的每个角落都受到政府管制和强制一体化（forced integration）的影响；因此，社会冲突与种族、民主和道德文化的紧张和敌意急剧上升。

In light of these disillusioning experiences fundamental doubts concerning the virtues of the American system have resurfaced. What would have happened, it is being asked again, if in accordance with his reelection promise, Woodrow Wilson had kept the U.S. out of World War I? By virtue of its counterfactual nature, the answer to a question such as this can never be empirically confirmed or falsified. However, this does not make the question meaningless or the answer arbitrary. To the contrary, based on an understanding of the actual historical events and personalities involved, the question concerning the most likely alternative course of history can be answered in detail and with considerable confidence. 

鉴于这些幻灭的经验，对美国制度之优点的根本怀疑再次浮出水面。人们一再发问，如果伍德罗·威尔逊遵照连任承诺，不让美国参加一战，会发生什么？基于其反事实性质，这个问题的答案永远无法被经验证实或证伪。然而，这并不意味着这个问题没有意义或可以任意给出答案。相反，基于对实际历史事件和相关人物的理解，我们可以详细和相当自信地解答“历史另一种最有可能的进程是什么”这个疑问。

注：有关“反事实历史”的当代样本集录，可以参见《虚拟历史：替代选项和反事实 (Virtual History: Alternatives and Counter/actuals)》，尼尔·弗格森（Niall Ferguson）主编（New York: Basic Books，1999）。
If the United States had followed a strict noninterventionist foreign policy, it is likely that the intra-European conflict would have ended in late 1916 or early 1917 as the result of several peace initiatives, most notably by the Austrian Emperor Charles I. Moreover, the war would have been concluded with a mutually acceptable and facesaving compromise peace rather than the actual dictate. Consequently, Austria-Hungary, Germany, and Russia would have remained traditional monarchies instead of being turned into short-lived democratic republics. With a Russian Czar and a German and Austrian Kaiser in place, it would have been almost impossible for the Bolsheviks to seize power in Russia, and in reaction to a growing communist threat in Western Europe, for the Fascists and National Socialists to do the same in Italy and Germany. Millions of victims of communism, national socialism, and World War II would have been saved. The extent of government interference with and control of the private economy in the United States and in Western Europe would never have reached the heights seen today. And rather than Central and Eastern Europe (and consequently half of the globe) falling into communist hands and for more than forty years being plundered, devastated, and forcibly insulated from Western markets, all of Europe (and the entire globe) would have remained integrated economically (as in the nineteenth century) in a world-wide system of division of labor and cooperation. World living standards would have grown immensely higher than they actually have.

如果美国奉行严格的不干涉外交政策，欧洲内部的冲突很可能因为几项和平倡议——尤其是奥地利皇帝卡尔一世（Charles I）的提议——而结束于1916年底或1917年初。此外，战争可能已经以双方都能接受，而且都能挽回颜面的和平协商而非被实际摆布（actual dictate）的方式结束。因此，奥匈帝国、德国和俄国有可能继续保持传统的君主制，而非变成短命的民主共和国。有俄国沙皇和德国及奥地利皇帝在位，布尔什维克几乎不可能在俄国夺权；面对西欧与日俱增的共产主义威胁，法西斯党人和民族社会主义党人21在意大利和德国也几乎不可能作出同样的反应（即夺权）。22亿万共产主义、民族社会主义和第二次世界大战的受害者的未来可以幸免。在美国和西欧，政府对私有经济的干预和控制程度本来永远不会达到今天的高度。全欧乃至全世界本来可以像十九世纪那样，在世界范围的分工合作体系中保持经济一体化，而不是让中欧和东欧（后来是半个地球）落入共产主义者之手，被掠夺、被蹂躏以及被迫与西方市场隔绝长达四十年之久，全世界的生活水平本来可以大大高于今天的实际水平。

21 即德国纳粹党人。

Before the backdrop of this thought experiment and the actual course of events, the American system and the *pax Americana* appear—contrary to "official" history, which is always written by its victors, i.e., from the perspective of the proponents of democracy—to be nothing short of an unmitigated disaster; and Habsburg-Austria and the pre-democratic age appear most appealing. Certainly, then, it would be worthwhile to take a systematic look at the historic transformation from monarchy to democracy.

In this intellectual experiment and historical event actual course of events, the American system and the *pax Americana* appear—contrary to "official" history, which is always written by its victors, i.e., from the perspective of the proponents of democracy—to be nothing short of an unmitigated disaster; and Habsburg-Austria and the pre-democratic age appear most appealing. Certainly, then, it would be worthwhile to take a systematic look at the historic transformation from monarchy to democracy.

While history will play an important role, the following is not the work of a historian, however, but of a political economist and philosopher. There are no new or unfamiliar data presented. Rather, insofar as a claim to originality is made, it is that the following studies contain new and unfamiliar interpretations of generally known and accepted facts; moreover, that it is the *interpretation of facts*, rather than the facts themselves, which are of central concern to the scientist and the subject of most contention and debate. One may, for instance, readily agree on the fact that in nineteenth-century America average living standards, tax rates, and economic regulations were comparatively low, while in the twentieth century living standards, taxes, and regulations were high. Yet were twentieth-century living standards higher because of higher taxes and regulations or despite higher taxes and regulations, i.e., would living standards be even higher if taxes and regulations had remained as low as they had been during the nineteenth century? Likewise, one may readily agree that welfare payments and crime rates were low during the 1950s and that both are now comparatively high. Yet has crime increased because of rising welfare payments or despite them, or have crime and welfare nothing to do with each other and is the relationship between the two phenomena merely coincidental? The facts do not provide an answer to such questions, and no amount of statistical manipulation of data can possibly change this fact. The data of history are logically compatible with any of such rival interpretations, and historians, insofar as they are just historians, have no way of deciding in favor of one or the other.

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21 一般注：1951 年，乔治·F·凯南（George F. Kennan）曾撰文称，作为一个建制主义者，他确实接近于承认：“然而，今天，如果有人有机会重回 1913 年的德国，一个由保守但相对温和的人管理的德国，一个没有纳粹和共产党的德国，一个统一而未被占领的，充满活力和信心的德国，能够再次在平衡俄罗斯在欧洲的力量方面发挥作用……好吧，会有很多人反对，这不会让每个人都高兴；但从许多方面来说，与我们今天的问题相比，它并不是那么糟糕。现在，想想这意味着什么。当你把两场战争的总得分相加，就其宣称的目标而言，你会发现，即使有所收获，也很难将它辨别出来。”——《美国外交 1900-1950（American Diplomacy 1900-1950）》(Chicago: University of Chicago Press, 1950), 页 55-56。
If one is to make a rational choice among such rival and incompatible interpretations, this is only possible if one has a theory at one's disposal, or at least a theoretical proposition, whose validity does not depend on historical experience but can be established a priori, i.e., once and for all by means of the intellectual apprehension or comprehension of the nature of things. In some circles this kind of theory is held in low esteem; and some philosophers, especially of the empiricist-positivist variety, have declared any such theory off-limits or even impossible. This is not a philosophical treatise devoted to a discussion of issues of epistemology and ontology. Here and in the following, I do not want to directly refute the empiricist-positivist thesis that there is no such thing as a priori theory, i.e., propositions which assert something about reality and can be validated independent of the outcome of any future experience. It is only appropriate, however, to acknowledge from the outset that I consider this thesis—and indeed the entire empiricist-positivist research program, which can be interpreted as the result of the application of the (egalitarian) principles of democracy to the realm of knowledge and research and has therefore dominated ideologically during most of the twentieth century, —as fundamentally mistaken and thoroughly refuted. Here it suffices to present just a few examples of what is meant by a priori theory—and in particular to cite some such examples from the realm of the social sciences—in order to put any possible suspicion to rest and recommend my theoretical approach as intuitively plausible and in accordance with common sense.
圈子中，这种理论不被人们重视；有些哲学家，尤其是各种经验实证主义者，已经宣布任何这类理论都是不被允许的，甚至是根本不可能的。本书不是专门探讨认识论和本体论的哲学论著。此处及以下篇幅中，我不想直接反驳经验实证主义关于不存在**先验**理论——亦即，主张存在某些真实的，且其有效性不依赖于任何未来经验之结果的事物之命题——的论点。而唯一恰当的方式是，从一开始我就承认，我认为这些论点，以及事实上经验实证主义的全部研究计划，从根本上就是错误的和已经被彻底驳倒了的。经验实证主义研究方法可以解释为是民主（平等主义）原则应用于知识和研究领域，并因此主导了差不多整个二十世纪的意识形态的结果。在这里，只举几个涉及“**先验理论**”意味着什么”的例子——尤其是引用社会科学领域的这类例子——来消除任何可能的怀疑，并使我的理论直观可信和符合常识就足够了。26

Examples of what I mean by a priori theory are: No material thing can be at two places at once. No two objects can occupy the same place. A straight line is the shortest line between two points. No two straight lines can enclose a space. Whatever object is red all over cannot be green (blue, yellow, etc.) all over. Whatever object is colored is also extended. Whatever object has shape has also size. If A is a part of B and B is a part of C, then A is a part of C. 4 = 3+1. 6 = 2 (33-30). Implausibly, empiricists must denigrate such propositions as mere linguistic-syntactic conventions without any empirical content, i.e., "empty" tautologies. In contrast to this view and in accordance with common sense, I understand the same propositions as asserting some simple but fundamental truths about the structure of reality. And in accordance with common sense, too, I would regard someone who wanted to "test" these propositions, or who reported "facts" contradicting or deviating from them, as confused. A priori theory trumps and corrects experience (and logic overrules observation) , and not vice-versa.


25 原注：见布兰德 · 勃兰夏 (Brand Blanshard) 《理性与分析 (Reason and Analysis)》（LaSalle, Ind.: Open Court, 1964）；也见亚瑟 · 帕普 (Arthur Pap) 《语义学与必要真理 (Semantics and Necessary Truth)》（New Haven, Conn.: Yale University Press, 1958）；索尔 · 克里普克 (Saul Kripke) 《命名与必要性 (Naming and Necessity)》，载于《自然语言语义学 (Semantics of Natural Language)》, 唐纳德 · 戴维森 (Donald Davidson) 和吉尔伯特 · 哈曼 (Gilbert Harman) 主编, (New York: Reidel, 1972)；保罗 · 洛伦兹 (Paul Lorenzen) 《方法论思维 (Methodisches Denken)》(Frankfurt/M.: Suhrkamp, 1968)。

26 原注：即使是一个“好的经验主义者”也必须承认，根据他自己的学说，他不可能知道**先验**定理是否存在，不可能知道他的学说是不是可以用来抉择不相容的解释和不相容的历史资料；因此，他也必须采取观望的态度。
More importantly, examples of *a priori theory* also abound in the social sciences, in particular in the fields of political economy and philosophy: Human action is an actor's purposeful pursuit of valued ends with scarce means. No one can purposefully not act. Every action is aimed at improving the actor's subjective well-being above what it otherwise would have been. A larger quantity of a good is valued more highly than a smaller quantity of the same good. Satisfaction earlier is preferred over satisfaction later. Production must precede consumption. What is consumed now cannot be consumed again in the future. If the price of a good is lowered, either the same quantity or more will be bought than otherwise. Prices fixed below market clearing prices will lead to lasting shortages. Without private property in factors of production there can be no factor prices, and without factor prices cost-accounting is impossible. Taxes are an imposition on producers and/or wealth owners and reduce production and/or wealth below what it otherwise would have been. Interpersonal conflict is possible only if and insofar as things are scarce. No thing or part of a thing can be owned exclusively by more than one person at a time. Democracy (majority rule) is incompatible with private property (individual ownership and rule). No form of taxation can be uniform (equal), but every taxation involves the creation of two distinct and unequal classes of *taxpayers versus taxreceiver-consumers*. Property and property titles are distinct entities, and an increase of the latter without a corresponding increase of the former does not raise social wealth but leads to a redistribution of existing wealth.

更重要的是，**先验理论**的例证在社会科学，特别是政治经济学和哲学领域也比比皆是：人的行动是指行动者有意图地以稀缺手段追求有价值的目的。没有人能够有意不行动。每一个行动都旨在提升行动者主观幸福，使之优于原状。同一种财货（*good*）数量越大则价值越高。较早的满足优于较晚的满足。生产必定先于消费。现在消费的东西未来不可能再度消费。同种财货价格降低，被购数量就会相同或者更多。低于市场出清价格将导致持续短缺。没有对生产要素的私有财产权，就不会有要素价格，没有要素价格，成本核算就不可能。对生产者或财产所有者强制征税，会使生产或财富减至低于其本来
For an empiricist, propositions such as these must be interpreted as either stating nothing empirical at all and being mere speech conventions, or as forever testable and tentative hypotheses. To us, as to common sense, they are neither. In fact, it strikes us as utterly disingenuous to portray these propositions as having no empirical content. Clearly, they state something about "real" things and events! And it seems similarly disingenuous to regard these propositions as hypotheses. Hypothetical propositions, as commonly understood, are statements such as these: Children prefer McDonald's over Burger King. The worldwide ratio of beef to pork spending is 2:1. Germans prefer Spain over Greece as a vacation destination. Longer education in public schools will lead to higher wages. The volume of shopping shortly before Christmas exceeds that of shortly after Christmas. Catholics vote predominantly "Democratic." Japanese save a quarter of their disposable income. Germans drink more beer than Frenchmen. The United States produces more computers than any other country. Most inhabitants of the U.S. are white and of European descent. Propositions such as these require the collection of historical data to be validated. And they must be continually reevaluated, because the asserted relationships are not necessary (but "contingent") ones; that is, because there is nothing inherently impossible, inconceivable, or plain wrong in assuming the opposite of the above: e.g., that children prefer Burger King to McDonald's, or Germans Greece to Spain, etc. This, however, is not the case with the former, theoretical propositions. To negate these propositions and assume, for instance, that a smaller quantity of a good might be preferred to a larger one of the same good, that what is being consumed now can possibly be consumed again in the future, or that cost-accounting could be accomplished also without factor prices, strikes one as absurd; and anyone engaged in "empirical research" and "testing" to determine which one of two contradictory propositions such as these does or does not hold appears to be either a fool or a fraud.

对经验主义者来说，必须将上述命题解释为要么根本没有陈述任何经验，而只是纯粹的语言约定，要么永远是可验证和试错的假设。对我们来说，在常识层面二者皆非——它们既非空洞的同义反复，也非需要验证和试错的假设。事实上，将这些命题说成是没有经验内容的命题让我们感到震惊，这是彻头彻尾的虚伪（utterly disingenuous）。很清楚，这些命题陈述的是一些“真实的”事物和事件！看上去同样虚伪的是，认为这些命题只是一些假设。按照通常的理解，假设性命题是类似这样的说法：孩子们更喜欢麦当劳而非汉堡王。全世界牛肉与猪肉的比例是2:1。德国人更喜欢将西班牙而非希腊作为度假胜地。在公立学校接受教育的时间越久，工资会越高。圣诞节前的短期购物量超过了节后的短
期购物量。天主教徒主要给“民主党”投票。日本人储蓄四分之一的可支配收入。德国人比法国人更能喝啤酒。美国的计算机产量超过了所有其他国家。大部分美国居民都是白人和欧洲人后裔。像这样的命题需要收集历史资料来证明其有效性。而且，人们必须不断地重估这些命题，因为它们所断言的关系并非**必然的**（而是要“视情况而定”[contingent]）；也就是说，上述情形的反命题并非**天定**（inherently）是不可能的、不可想象的或明显错误的：例如，孩子们更喜欢汉堡王而非麦当劳，或德国人更喜欢希腊而非西班牙等等。然而，这并非前述情形——理论命题（theoretical propositions）。否定这些理论命题，并断言对于同一种财货，数量更少要优于数量更多；正在消费的事物未来可以再次消费；或者没有要素价格也能完成成本核算等等，会让人感到荒谬；如果有人以“经验研究”和“检测”来决定上述任一矛盾命题是否成立，那他看上去要么是傻子，要么是骗子。

根据此处采用的方法，像刚才提到的理论命题之为人所接受，显然是因为它们是“**关于必然的事实和关系之陈述**”。因此，人们能够以历史资料来使之显明，但历史资料既不能证明也不能驳倒它们。

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27 原注：为了避免误解，有必要说明：说某件事是“必然的”（并且可以被认为是“**先验的**”），并非说它是正确无误的。数学家和逻辑学家也主张存在必然关系，但他们并没有主张这些“**必然关系**”是绝对正确的。相反，在这方面，他们主张的
反，即使为了初步领会理论洞见，有必要去了解历史经验，这种洞见所涉事实与关系，也在逻辑上超越了任何特定的历史经验。因此，一旦人们领会一种理论洞见，就可以将它作为永久的“批判”标准，亦即用以纠正、修改、拒绝或接受历史报告和解释。例如，基于理论洞见，我们必须认为增加税收和管制不可能是生活水平提高的原因。如果税收和管制没有增加，生活水平只会更高。同样的，理论洞见也可以排除类似“增加消费会增加生产（经济增长）”、“低于市场出清价（最低价）的价格会导致未售商品出现富余”或者“社会主义经济失灵是因为缺少民主”等等报告，它们都是胡说八道。重申一下，这些洞见并不要求经验研究或检测。通过经验来研究和检测这些洞见，是一种令人迷惑的做法（a sign of confusion）。

When I noted earlier that this is not the work of a historian but of a political economist and philosopher, I obviously did not believe this to be a disadvantage. Quite to the contrary. As has been indicated, historians qua historians cannot rationally decide between incompatible interpretations of the same set of data or sequence of events; hence, they are unable to provide answers to most important social questions. The principal advantage that the political economist and philosopher has over the mere historian (and the benefits to be gained from the study of political economy and philosophy by the historian) is his knowledge of pure—a priori—social theory, which enables him to avoid otherwise unavoidable errors in the interpretation of sequences of complex historical data and present a theoretically corrected or "reconstructed," and a decidedly critical or "revisionist" account of history.

我之前指出，本书不是历史学者，而是政治经济学学者和哲学学者的著作，显然，我并不认为这是一种劣势。恰恰相反，正如之前所说，历史学家在作为历史学家之时，面对给同一组资料或同系列事件所作的互相抵触的解释，他们无法理性地作出决定；因此，他们没有能力解答最重要的社会问题。与单纯的历史学家（以及得自历史学家的经济经济学和哲学研究收益）相比，政治经济学家和哲学家最重要的优势是他拥有纯粹的——先验的——社会理论知识，这种知识能使他在解释一系列综合历史资料时能够避免其他人无法避免的错误，能使他给出一种理论上正确的或“重构”的（reconstructed），和一种明显是批判性的或“修正主义（revisionist）”的历史叙述。

Based on and motivated by fundamental theoretical insights from both, political economy and political philosophy (ethics), in the following studies I propose the revision of three central—indeed almost mythical—beliefs and interpretations concerning modern history.

是为了反驳另一个理论命题（与假设相反的命题），人们需要另一个更基本的理论论证，正如为了驳斥一个数学或逻辑定理，人们需要另一个数学的或逻辑的证明或论证（而非“经验证据”）。
In accordance with elementary theoretical insights regarding the nature of private property and ownership versus "public" property and administration and of firms versus governments (or states), I propose first a revision of the prevailing view of traditional hereditary monarchies and provide instead an uncharacteristically favorable interpretation of monarchy and the monarchical experience. In short, monarchical government is reconstructed theoretically as privately-owned government, which in turn is explained as promoting future-orientedness and a concern for capital values and economic calculation by the government ruler. Second, equally unorthodox but by the same theoretical token, democracy and the democratic experience are cast in an untypically unfavorable light. Democratic government is reconstructed as publicly-owned government, which is explained as leading to present-orientedness and a disregard or neglect of capital values in government rulers, and the transition from monarchy to democracy is interpreted accordingly as civilizational decline.

Still more fundamental and unorthodox is the proposed third revision.

Despite the comparatively favorable portrait presented of monarchy, I am not a monarchist and the following is not a defense of monarchy. Instead, the position taken toward monarchy is this: if one must have a state, defined as an agency that exercises a compulsory territorial monopoly of ultimate decisionmaking (jurisdiction) and of taxation, then it is economically and ethically advantageous to choose monarchy over...
democracy. But this leaves the question open whether or not a state is necessary, i.e., if there exists an alternative to both, monarchy and democracy. History again cannot provide an answer to this question. By definition, there can be no such thing as an "experience" of counterfactuals and alternatives; and all one finds in modern history, at least insofar as the developed Western world is concerned, is the history of states and statism. Only theory can again provide an answer, for theoretical propositions, as just illustrated, concern necessary facts and relations; and accordingly, just as they can be used to rule certain historical reports and interpretations out as false or impossible, so can they be used to rule certain other things in as constructively possible, even if such things have never been seen or tried.

尽管我将君主制描绘为相对有益的，但我并非君主主义者，以下陈述并非对君主制的辩护。相反，我对君主制的立场是这样的：如果我们必须拥有一个被定义为在领土上行使强制垄断的终极决定权（司法管辖权）和征税权机构的国家，那么，在经济上和伦理上，我们选择君主制都会比选择民主制更有益。但这就留下了一个开放性的问题：国家是否必要？也就是说，是否存在二者——君主制和民主制之外的其他替代选项？历史还是不能解答这个问题。根据定义，不存在诸如反事实和替代项的“经验”；翻遍现代历史，至少就西方发达国家而言，人们只能发现国家和国家主义的历史。唯有理论可以再次提供答案，如前所述，理论命题关乎必然性的事实和关系，因此，正如人们可以用理论命题规定某类历史报告是错误的，某类解释不具备可能性一样，它们也可用以规定某种其他事物具有建构之可能（constructively possible），即便人们从未见过或者尝试过这类事物。

In complete contrast to the orthodox opinion on the matter, then, elementary social theory shows, and will be explained as showing, that no state as just defined can be justified, be it economically or ethically. Rather, every state, regardless of its constitution, is economically and ethically deficient. Every monopolist, including one of ultimate decisionmaking, is "bad" from the viewpoint of consumers. Monopoly is hereby understood in its classical meaning, as the absence of free entry into a particular line of production: only one agency, A, may produce X. Any such monopolist is "bad" for consumers because, shielded from potential new entrants into his line of production, the price for his product will be higher and the quality lower than otherwise. Further, no one would agree to a provision that allowed a monopolist of ultimate decisionmaking, i.e., the final arbiter and judge in every case of interpersonal conflict, to determine unilaterally (without the consent of everyone concerned) the price that one must pay for his service. The power to tax, that is, is ethically unacceptable. Indeed, a monopolist of ultimate decisionmaking equipped with the power to tax does not just produce less and lower quality justice, but he will produce more and more "bads," i.e., injustice and aggression. Thus, the choice between monarchy and democracy concerns a choice between two defective social orders. In fact, modern history provides ample illustration of the economic and ethical shortcomings of all states, whether monarchic or democratic.
Moreover, the same social theory demonstrates positively the possibility of an alternative social order free of the economic and ethical shortcomings of monarchy and democracy (as well as any other form of state). The term adopted here for a social system free of monopoly and taxation is "natural order." Other names used elsewhere or by others to refer to the same thing include "ordered anarchy," "private property anarchism," "anarcho-capitalism," "autogovernment," "private law society," and "pure capitalism."

此外，同样的社会理论也明确地表明了另一种社会秩序的可能性，这种社会秩序摆脱了君主制和民主制（以及其他任何形式的国家）的经济与伦理缺陷。在这里，我们用“自然秩序”一词指称一种摆脱了垄断与税收的社会体系。其他人或其他地方用以指称同一事物的名称，还包括“有序无政府”“私有财产无政府主义”“无政府资本主义”“自治政府”“私法社会”和“纯粹资本主义”等等。

Above and beyond monarchy and democracy, the following is concerned with the "logic" of a natural order, where every scarce resource is owned privately, where every enterprise is funded by voluntarily paying customers or private donors, and where entry into every line of production, including that of justice, police, and defense services, is free. It is in contrast to a natural order that the economic and ethical errors of monarchy are brought into relief. It is before the backdrop of a natural order that the still greater errors

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Moreover, the same social theory demonstrates positively the possibility of an alternative social order free of the economic and ethical shortcomings of monarchy and democracy (as well as any other form of state). The term adopted here for a social system free of monopoly and taxation is "natural order." Other names used elsewhere or by others to refer to the same thing include "ordered anarchy," "private property anarchism," "anarcho-capitalism," "autogovernment," "private law society," and "pure capitalism."

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involved in democracy are clarified and that the historic transformation from monarchy to democracy is revealed as a civilizational decline. And it is because of the natural order's logical status as the theoretical answer to the fundamental problem of social order—of how to protect liberty, property, and the pursuit of happiness—that the following also includes extensive discussions of strategic matters and concerns, i.e., of the requirements of social change and in particular the radical transformation from democracy to natural order.

Regardless of the unorthodox interpretations and conclusions reached in the following studies, the theories and theorems used to do so are definitely not new or unorthodox. Indeed, if one assumes, as I do, that *a priori* social theory and theorems exist, then one should also expect that most of such knowledge is old and that theoretical progress is painstakingly slow. This indeed appears to be the case. Hence, even if my conclusions may seem radical or extreme, as a theoretician I am decidedly a conservative. I place myself in an intellectual tradition that stretches back at least to the sixteenth-century Spanish Scholastics and that has found its clearest modern expression in the so-called Austrian School of Economics: the tradition of pure social theory as represented above all by Carl Menger, Eugen von Bohm-Bawerk, Ludwig von Mises, and Murray N. Rothbard.

不管下列研究得出了什么非正统的解释和结论，都绝对没有用到新的或者非正统的理论和定理（theorem）。事实上，如果有人像我这样主张存在先验的理论和定理，那么他也应该预料到，绝大部分这样的知识都是古老的，理论进展是极其缓慢的。看上去也是如此。因此，即使我的结论看似激进或极端，作为一个理论家，我也绝对是一个保守主义者。我将自己置身于一种至少可以追溯到十六世纪西班牙经院哲学的学术传统中，这种传统在所谓的“奥地利经济学派”中得到了最清晰的现代表
At the outset, I noted Habsburg-Austria and the United States of America as the countries associated most closely with the old monarchical regime and the new and current democratic-republican era, respectively. Here we encounter Habsburg-Austria again and discover another reason why the following studies also may be called *An Austrian View of the American Age*. The Austrian School of economics ranks among the most outstanding of the many intellectual and artistic traditions originating in pre-World War I Austria. As one of the many results of the destruction of the Habsburg Empire, however, the school's third generation, led by Ludwig von Mises, was uprooted in Austria and on the European continent and, with Mises's emigration to New York City in 1940, exported to the United States of America. And it would be in America where Austrian social theory has taken root most firmly, owing in particular to the work of Mises's outstanding American student, Murray N. Rothbard.

The following studies are written from the vantage point of modern Austrian social theory. Throughout, the influence of Ludwig von Mises and even more of Murray N. Rothbard is noticeable. The elementary theorems of political economy and philosophy, which are employed here for the purpose of reconstructing history and proposing a constructive alternative to democracy, have found their most detailed treatment in Mises's and Rothbard's principal theoretical works.\(^\text{15}\) As well, many of the subjects discussed in the

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following have also been dealt with in their many applied works. Furthermore, the following studies share
with Mises and especially Rothbard a fundamental and robust antistatist and pro-private property, and free
trade enterprise position.

This notwithstanding, the following studies can in two regards claim originality. On the one hand, they
provide for a more profound understanding of modern political history. In their applied works, Mises and
Rothbard discussed most of the twentieth century's central economic and political issues and events:
socialism versus capitalism, monopoly versus competition, private versus public property, production and
trade versus taxation, regulation, and redistribution, etc.; and both gave detailed accounts of the rapid
growth of state power during the twentieth century and explained its economically and morally deleterious
consequences. However, while they have proven exceptionally perceptive and farsighted in these endeavors
(especially in comparison to their empiricist-positivist counterparts), neither Mises nor Rothbard made a
systematic attempt to search for a cause of the decline of classical-liberal thought and laissez-faire capitalism
and the concomitant rise of anticapitalist political ideologies and statism during the twentieth century.
Certainly, they did not think of democracy as being such a cause. In fact, although aware of the economic and
ethical deficiencies of democracy, both Mises and Rothbard had a soft spot for democracy and tended to view
the transition from monarchy to democracy as progress. In contrast, I will explain the rapid growth of state
power in the course of the twentieth century lamented by Mises and Rothbard as the systematic outcome of
democracy and the democratic mindset, i.e., the (erroneous) belief in the efficiency and/or justice of public
property and popular (majority) rule.

尽管如此，以下研究能在两个方面声称具备原创性。一方面，它们提供了对现代政治史更为深刻的理解。米塞斯和罗斯巴德在其应用性著作中讨论了二十世纪最集中的经济和政治议题及事件：社会主义与资本主义；垄断与竞争；财产私有与财产公有；生产、贸易与税收；管制；再分配等等。他们都详

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Each of the following chapters is self-contained and can be read separately. While this implies some thematic overlap across chapters, they combine into a progressing and expanding theoretical whole. With these studies I wish to promote in particular the tradition of Austrian social theory and contribute to its reputation as not only a bastion of truth but also as inspiring, exciting, and refreshing. And by the same token but more generally, I wish to promote and contribute to the tradition of grand social theory, encompassing political economy, political philosophy and history and including normative as well as positive questions. An appropriate term for this sort of intellectual endeavor would seem to be sociology. But while the term sociology has been sometimes used in this meaning, under the dominant influence of the empiricist-positivist philosophy the term has acquired an altogether different meaning and reputation. According to the empiricist doctrine, normative questions are not "scientific" questions at all, and there exists no such thing

On the other hand, based on this deeper, "revisionist" understanding of modern history, the following studies arrive also at a "better"—clearer and more acute—understanding of the constructive alternative to the democratic status quo, i.e., a natural order. There are detailed explanations regarding the operation of a natural order as a state-less social system with freely financed insurance agencies serving as competitive providers of law and order. And there are equally detailed discussions of strategic matters. In particular, there are detailed discussions specifically of secession and of privatization as the primary vehicles and means by which to overcome democracy and establish a natural order.

另一方面，基于对现代历史的这种更深层次的“修正主义”的理解，以下研究也得出了一个对民主现状的建设性替代选项（亦即自然秩序）的“更好”的——更清晰和更敏锐的——理解。它们详细解释了作为无国家（state-less）社会体系的自然秩序的相关运作。该体系以自由融资的保险机构作为竞争性的法律与秩序服务提供者。也同样详细讨论了策略问题。特别是专门详细讨论了如何以分离主义和私有化为主要驱动手段，克灭民主制和建立自然秩序。

细描述了二十世纪国家权力的急剧扩张，并解释了它的经济与道德贻害。然而，尽管他们在这些努力中表现出了非凡的洞察力与远见（尤其是与他们的经验实证主义同行相比），但无论是米塞斯还是罗斯巴德，都未曾尝试系统性地研究二十世纪中古典自由主义思想和自由放任资本主义之衰落，以及伴之而来的反资本主义政治意识形态和国家主义之兴起的原因。显然，他们不认为民主制度就是其原因。事实上，尽管意识到了民主的经济与伦理缺陷，米塞斯和罗斯巴德也都对民主颇有好感，并倾向于将君主制向民主的转变视为一种进步。相反，我会将米塞斯和罗斯巴德所痛惜的二十世纪中国家权力的急剧扩张，解释为民主和民主观念模式——亦即（错误地）相信公共财产和大众（多数决）统治的效率——的系统性后果。
as a priori theory. That pretty much rules out grand social theory from the outset as "unscientific." Accordingly, most of what passes nowadays as sociology is not only just plain false but also irrelevant and dull. In distinct contrast, the following studies are everything a good positivist claims one cannot and shall not be: interdisciplinary, theoretically oriented, and dealing with both positive-empirical and normative questions. I hope to demonstrate by example that this is the right approach as well as the more interesting one.

以下每一章都是独立的，可以分开阅读。虽然这意味着有些章节主题重叠，但是它们结成了逐步扩展的理论整体。通过这些研究，我尤其希望发扬奥地利学派社会理论传统，并尽力使其声誉不仅限于捍卫真理（a bastion of truth），而且要使人闻之而倍感鼓舞、激动和振奋。出于同样的但更一般化的原因，我希望通过包罗政治经济学、政治哲学和历史学以及囊括规范性问题和实证性问题，发扬“大社会理论”（grand social theory）传统并为之作出自己的贡献。这种智识努力的恰当名称似乎应该是“社会学”。但是，虽然“社会学”这个术语有时被用于这个意义，然而在经验实证主义哲学的主导性影响下，这个词已经有了完全不同的意义和名声。根据经验主义学说，规范性问题根本不是“科学”问题，也不存在诸如“先验理论”这种东西。这几乎是从一开始就将“大社会理论”视为“不科学”而摒弃了它。相应地，如今被认为是社会学的大多数东西不仅是纯粹是错误的，而且无关紧要和枯燥无味。与之形成鲜明对比的是，以下研究是跨学科的、理论化的，而且同时处理经验实证问题和规范性问题，好的实证主义者声称没有人能做到这一点，并且不该这么做。我希望通过实例证明，这是正确的和更加有趣的作法。

汉斯-赫尔曼·霍普

内华达州，拉斯维加斯

2000年9月
In acting, an actor invariably aims to substitute a more satisfactory for a less satisfactory state of affairs and thus demonstrates a preference for more rather than fewer goods. Moreover, he invariably considers when in the future his goals will be reached, i.e., the time necessary to accomplish them, as well as a good's duration of serviceability. Thus, he also demonstrates a universal preference for earlier over later goods, and for more over less durable ones. This is the phenomenon of time preference.  

Every actor requires some amount of time to attain his goal, and since man must always consume something and cannot entirely stop consuming while he is alive, time is always scarce. Thus, *ceteris paribus*, present or earlier goods are, and must invariably be, valued more highly than future or later ones. In fact, if man were not constrained by time preference and if the only constraint operating on him were that of preferring more...
over less, he would invariably choose those production processes which yielded the largest output per input, regardless of the length of time needed for these methods to bear fruit. He would always save and never consume. For instance, instead of making a fishing net first, Crusoe would have begun constructing a fishing trawler—as it is the economically most efficient method of catching fish. That no one, including Crusoe, can act in this way makes it evident that man cannot but "value fractions of time of the same length in a different way according as they are nearer or remoter from the instant of the actor's decision." "What restricts the amount of saving and investment is time preference." 

Constrained by time preference, man will only exchange a present good for a future one if he anticipates thereby increasing his amount of future goods. The rate of time preference, which is (and can be) different from person to person and from one point in time to the next, but which can never be anything but positive for everyone, simultaneously determines the height of the premium which present goods command over future ones as well as the amount of savings and investment. The market rate of interest is the aggregate sum of all individual time-preference rates reflecting the social rate of time preference and equilibrating social savings (i.e., the supply of present goods offered for exchange against future goods) and social investment (i.e., the demand for present goods thought capable of yielding future returns).

受制于时间偏好，人只会在预期他的未来财货数量增加的情况下，才会将当前财货（present good）换成未来财货。每个人的时间偏好率、每个时间点的时间偏好率都是（也能够是）不同的，但每个人的

2 Crusoe，指鲁滨逊·克鲁索（Robinson Crusoe），英国著名作家笛福（Defoe）的荒岛求生小说《鲁滨逊漂流记》的主人公。许多经济学家以这个故事为原型探讨人的经济行为的起点及推演。受中文译本《鲁滨逊漂流记》的影响，中文读者一般称主角为鲁滨逊，因此此处也直接译为“鲁滨逊”。
3 原注：米塞斯《人的行动》，第 483 页和第 491 页。
时间偏好率只可能是正数。时间偏好率同时决定了当前财货需求对未来财货需求的溢价和储蓄与投资量。市场利率是所有个体时间偏好率的总和，它反映社会的时间偏好率，平衡社会储蓄（亦即可供交换未来财货的当前财货供给）和社会投资（亦即对认为能产生未来回报的当前财货需求）。

No supply of loanable funds can exist without previous savings, i.e., without abstaining from a possible consumption of present goods (an excess of current production over current consumption). And no demand for loanable funds would exist if no one perceived an opportunity to employ present goods productively, i.e., to invest them so as to produce a future output that would exceed current input. Indeed, if all present goods were consumed and none invested in time-consuming production methods, the interest rate would be infinitely high, which, anywhere outside of the Garden of Eden, would be tantamount to leading a mere animal existence, i.e., eking out a primitive subsistence living by encountering reality with nothing but one's bare hands and a desire for instant gratification.

没有先前的储蓄，也就是说，没有抑制对当前财货（即当前产量超出当前消费的部分）的可能消费，就不可能存在可贷资金的供给。而且，如果没有人察觉到当前财货的生产性机会，亦即如果没有人对“未来产出会超过当前投入的财货”进行投资，那么就不可能存在对可贷资金的需求。事实上，如果所有当前财货都被消费了，而没有人投资于耗时生产方式，那么利率将会无限高，这样，在伊甸园以外的任何地方都无异于会导致纯粹的动物般的生活方式，也就是说，通过赤手空拳和渴望即时满足的态度面对现实，而勉强维持原始的挣扎在生存线上的生活。

A supply of and a demand for loanable funds only arise—and this is the human condition—if it is recognized first that indirect (more roundabout, lengthier) production processes yield a larger or better output per input than direct and short ones. Second, it must be possible, by means of savings, to accumulate the amount of present (consumption) goods needed to provide for all those wants whose satisfaction during the prolonged waiting time is deemed more urgent than the increment in future well-being expected from the adoption of a more time-consuming production process.

第7章 论时间偏好、政府与文明进程

第7章 论时间偏好、政府与文明进程

时间偏好率只可能是正数。时间偏好率同时决定了当前财货需求对未来财货需求的溢价度和储蓄与投资量。市场利率是所有个体时间偏好率的总和，它反映社会的时间偏好率，平衡社会储蓄（亦即可供交换未来财货的当前财货供给）和社会投资（亦即对认为能产生未来回报的当前财货需求）。

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4 即一个人的时间偏好只能无限趋近于零，而不可能等于零和是负数。
So long as these conditions are fulfilled, capital formation and accumulation will set in and continue. Land and labor (the originary factors of production), instead of being supported by and engaged in instantaneously gratifying production processes, are supported by an excess of production over consumption and employed in the production of capital goods. Capital goods have no value except as intermediate products in the process of turning out final (consumer) goods later, and insofar as the production of final products is more productive with than without them, or, what amounts to the same thing, insofar as he who possesses and can produce with the aid of capital goods is nearer in time to the completion of his ultimate goal than he who must do without them. The excess in value (price) of a capital good over the sum expended on its factors of production (the price paid for the capital good and all complementary originary factors required for its production is due to this time difference and the universal fact of time preference. It is the price paid for buying time, for moving closer to the completion of one's ultimate goal rather than having to start at the very beginning. For the same reason, the value of the final output must exceed the sum spent on its factors of production (the price paid for the capital good and all complementary labor services).

只要满足了这些条件，资本形成（capital formation）和积累就会开始并持续下去。土地和劳动力（初始生产要素）并非受满足即时需求的生产过程支撑和利用，而是受超消费量产品的支持，并用以生产资本品（capital goods）。除非作为生产未来最终（消费）财货过程的中间品，否则资本品没有价值。在没有这些资本品，最终产品的生产效率反而更低的情形下；或者做同一件事，在拥有并能够借助资本品生产，比不具备这个条件时更接近于完成其最终目标的情形下，资本品也没有价值。资本品的价值（价格）之所以会超过其生产所需的互补初始要素之总和，就是因为这种时间差和普遍存在的时间偏好。这是为争取时间所付出的代价，支付了这个代价以后，人们就能更靠近其最终目标，而不是不

5 原注：诚然，所有较短的生产过程都比较短的生产过程更具生产力。但在这样一个假设下，人受时间偏好的约束，总是（并且始终）选择最短的、可想象的方法来生产某些给定的产出。任何产量的增加只有在生产过程延长的情况下才能实现，前提是技术不变。【译注：这就是人类的处境，意思是说，人类总是受着时间偏好的束缚，因此只有在上述条件下，才会作出这样的选择。】

6 这句话包含的意思是，如果因为某种原因不能实现储蓄，那么迂回生产和未来的预期更多回报也不可能。

7 举例来说，如果鲁滨逊拥有一整套建筑设备（资本品），但是却来到一座满是别墅的荒岛（别墅是终极目标），那么对鲁滨逊而言，这些建筑设备就没有价值。
得不一切从头开始。出于同样的原因，最终产品的价值必须超过其生产要素的开销总和（即资本品和一切互补的劳动力服务的价格之总和）。

The lower the time-preference rate, the earlier the onset of the process of capital formation, and the faster the roundabout structure of production will be lengthened. Any increase in the accumulation of capital goods and the roundaboutness of the production structure in turn raises the marginal productivity of labor. This leads to either increased employment or wage rates, or even if the labor supply curve should become backward sloping with increased wage rates, to a higher wage total. Supplied with an increased amount of capital goods, a better paid population of wage earners will produce an overall increased—future—social product, thus also raising the real incomes of the owners of capital and land.

时间偏好率越低，资本形成过程开始得就越早，迂回生产结构的拉长就越快。资本品积累的增加和生产结构的迂回又反过来提高了劳动力的边际生产力。这会增加就业率和提高工资率，即使劳动力供给曲线会随着工资率的增加而向后倾斜，工资总额也会增加。有了更多资本品，购买力更强的工薪阶层会生产出总量更多的——未来的——社会产品，从而也提高了资本与土地所有者的实际收入。
Factors Influencing Time Preference And The Process Of Civilization

二、影响时间偏好和文明化进程的因素

Among the factors influencing time preference one can distinguish between external, biological, personal, and social or institutional ones.

影响时间偏好的那些因素，可以区分为外部因素、生物因素、个人因素以及社会或制度因素。

External factors are events in an actor's physical environment whose outcome he can neither directly nor indirectly control. Such events affect time preference only if and insofar as they are expected. They can be of two kinds. If a positive event such as manna falling from heaven is expected to happen at some future date, the marginal utility of future goods will fall relative to that of present ones. The time-preference rate will rise and consumption will be stimulated. Once the expected event has occurred and the larger supply of future goods has become a larger supply of present goods, the reverse will happen. The time-preference rate will fall, and savings will increase.

外部因素是指行动人在其物理环境中无法直接或间接控制结果的事件。这些事件只能在预期的范围内影响时间偏好。它们包括两种类型。如果预判未来某日会发生像“甘露从天而降”这样的好事，那么相对于当前财货，未来财货的边际效用会下降。时间偏好率上升而消费转旺。一旦预期事件发生，大量未来财货供给即转为当前财货供给，情况就会反转。时间偏好率会下降，储蓄会增加。

On the other hand, if a negative event such as a flood is expected, the marginal utility of future goods rises. The time-preference rate will fall and savings will increase. After the event, with a reduced supply of present goods, the time-preference rate will rise.

8 做个粗糙的比方：如果你认为未来某天会有 1000 万大奖落到你头上，你会提前消费，即更喜欢马上满足自己的需求，这叫做时间偏好率高。等你真的收到 1000 万，这 1000 万从预期转为现货，你又要开始为未来筹划，你的时间偏好率就下降了。当然，这只是可能影响时间偏好率的一个因素。它会与其他因素一起共同作用。
另一方面，如果预判未来某日会生发生像“洪水滔天”这样的坏事，未来财货的边际效用会提高。时间偏好率下降，储蓄增加。在事件发生后，随着当前财货供应的减少，时间偏好会升高。⑨

Biological processes are technically within an actor's reach, but for all practical purposes and in the foreseeable future they too must be regarded as a given by an actor, similar to external events.

从技术来说，生物过程在行动人所能影响的范围之内，但是与外部事件类似，对人的所有实际目的来说，在可以预见的将来，生物过程也必须被视为对行动人的给定因素。

It is a given that man is born as a child, that he grows up to be an adult, that he is capable of procreation during part of his life, and that he ages and dies. These biological facts have a direct bearing on time preference. Because of biological constraints on their cognitive development, children have an extremely high time-preference rate. They do not possess a clear concept of a personal life expectancy extending over a lengthy period of time, and they lack full comprehension of production as a mode of indirect consumption. Accordingly, present goods and immediate gratification are highly preferred to future goods and delayed gratification. Savings-investment activities are rare, and the periods of production and provision seldom extend beyond the most immediate future. Children live from day to day and from one immediate gratification to the next。⑧

人出生时是孩子，然后长大成年，然后在人生的某阶段有能力生养，然后老病离世，这是一个给定的事实。这些生物因素直接影响时间偏好。因为认知发展受制于生物因素，孩子具有极高的时间偏好率。他们对个人生命的漫长程度没有明确概念，他们对生产乃是间接消费的方式缺乏充分理解。相应地，孩子更偏爱当前财货和即时满足甚于未来财货和延迟满足。他们几乎不储蓄和投资，他们的生产和供给期很少超过最近的未来。孩子们日复一日地生活在一个又一个即时满足中。⑩

⑨ 原注：如果预估未来财货即将发生的损失根本无法采取任何措施，以致目前无法通过补偿性储蓄（或保险）减轻这些损失（因为这种储蓄也会被摧毁），那么时间偏好率将立即上升，并在事件发生后保持高水平。【译注：举例来说，在一个无法逃离又总是被海啸短时定期摧毁一切的小岛上，活下来的人们肯定会一直追求当下的瞬间满足，即保持很高的时间偏好率。又比如如果某国定期扫荡某些失足行业——如教培行业，并征没从业人员的财产，那么，该国无法或不愿转行的教培行业人员，就不会储蓄，而会挣多少花多少。】

⑩ 原注：关于儿童的高时间偏好以及生物（种族）和文化因素的影响，见沃尔特·米歇尔（Walter Mischel）《被延迟强化的偏好：文化观察的实验研究（Preference for Delayed Reinforcement：An Experimental Study of a Cultural Observation）》，载于《变态心理学与社会心理学杂志（Journal of Abnormal and Social Psychology）》第56期（1958）；
In the course of becoming an adult, an actor's initially extremely high time-preference rate tends to fall. With the recognition of one's life expectancy and the potentialities of production as a means of indirect consumption, the marginal utility of future goods rises. Saving and investment are stimulated, and the periods of production and provision are lengthened.

在成为成人的过程中，行动人最初极高的时间偏好率会趋于下降。随着人们认识到预期寿命的长度和作为间接消费手段的生产的潜力，未来财货的边际效用上升。这就会刺激储蓄和投资，延长生产和供给的周期。

Finally, becoming old and approaching the end of one's life, one's time-preference rate tends to rise. The marginal utility of future goods falls because there is less of a future left. Savings and investments will decrease, and consumption—including the nonreplacement of capital and durable consumer goods—will increase. This old-age effect may be counteracted and suspended, however. Owing to the biological fact of procreation, an actor may extend his period of provision beyond the duration of his own life. If and insofar as this is the case, his time-preference rate can remain at its adult-level until his death.

最终，随着年龄增长和生命终点的临近，人的时间偏好率趋于上升。因为时日无多，未来财货的边际效用下降。储蓄和投资会减少，而消费——包括对无可替代的资本品和耐用消费品的消费——会增加。然而，这种晚年效应也可能被抵消和终止。由于养儿育女的生物学事实，行动人的供给期可能会超出他自己的生命范围。如果是这样，他的时间偏好率会保持在其成年阶段的水平，直至离世。

Within the constraints imposed by external and biological factors, an actor sets his time-preference rate in accordance with his subjective evaluations. How high or low this rate is and what changes it will undergo in the course of his lifetime depend on personal psychological factors. One man may not care about anything but the present and the most immediate future. Like a child, he may only be interested in instant or minimally delayed gratification. In accordance with his high time preference, he may want to be a vagabond, a drifter, a drunkard, a junkie, a daydreamer, or simply a happy-go-lucky kind of guy who likes to work as little as possible in order to enjoy each and every day to the fullest. Another man may worry about his and his
offspring’s future constantly and, by means of savings, may want to build up a steadily growing stock of capital and durable consumer goods in order to provide for an increasingly larger supply of future goods and an ever longer period of provision. A third person may feel a degree of time preference somewhere in between these extremes, or he may feel different degrees at different times and therefore choose still another lifestyle-career.²

However, no matter what a person's original time-preference rate or what the original distribution of such rates within a given population, once it is low enough to allow for any savings and capital or durable consumer-goods formation at all, a tendency toward a fall in the rate of time preference is set in motion, accompanied by a "process of civilization."³

² 原注：经济学家，特别是“奥地利学派”的经济学家普遍承认时间偏好现象，与之相反的是，社会学家和政治学家却很少关注这一现象。一个值得注意的例外，见爱德华·班菲尔德（Edward Banfield）《重访罪恶之都（The Unheavenly City Revisited）》（Boston: Little, Brown, 1974），特别是第三章。班菲尔德认为，时间偏好是社会阶级和文化之间，特别是“上层阶级”和“下层阶级”之间长期存在差异的根本原因。而前者的成员的特点是面向未来，自律，为了更好的未来而放弃现在的满足感，“下层阶级”成员的特点是他们现在的取向和享乐主义。

³ 如果说（下层阶级的个人）对未来有任何认识，那就是对某种固定的、命中注定的、无法控制的事情的意识：他没有让事情发生，但事情就发生在他身上。冲动支配着他，或者因为他们不能约束自己为了将来的满足而牺牲当下，或者因为他在未来没有希望。因此，他根本无法预见……他只是为了生存而工作，从一个不熟练的工作转到另一个，对自己的工作不感兴趣……他对自己什么东西太粗心了……即便在东西八成新时，他也很可能去做任何小补小修，而导致永久性失灵。他的身体也是一件“用到精疲力尽也不去修补”的东西。（第 61–62 页）

通常与“下层阶级”有关的现象，如家庭破裂、滥交、性病、酗酒、吸毒、暴力犯罪、婴儿死亡率高和预期寿命低，都有一个共同的原因，即时间偏好。他们的原因是失业和低收入。相反，班菲尔德指出，因果关系（如果有的话）是相反的：长期失业和持续低收入同样是潜在的高时间偏好的影响。

作为非经济学者普遍忽视时间偏好现象的另一个例外，见 T·亚历山大·史密斯（T. Alexander Smith）《时间与公共政策（Time and Public Policy）》（Knoxville: University of Tennessee Press, 1988）。
The saver exchanges present (consumer) goods for future (capital) goods with the expectation that these will help produce a larger supply of present goods in the future. If he expected otherwise he would not save. If these expectations prove correct, and if everything else remains the same, the marginal utility of present goods relative to that of future ones will fall. His time-preference rate will be lower. He will save and invest more than in the past, and his future income will be still higher, leading to yet another reduction in his time-preference rate. Step by step, the time-preference rate approaches zero—without ever reaching it. In a monetary economy, as a result of his surrender of present money, a saver expects to receive a higher real-money income later. With a higher income, the marginal utility of present money falls relative to future money, the savings proportion rises, and future monetary income will be even higher.

Moreover, in an exchange economy, the saver-investor also contributes to a lowering of the time-preference rate of nonsavers. With the accumulation of capital goods, the relative scarcity of labor services increases, and wage rates, ceteris paribus, will rise. Higher wage rates imply a rising supply of present goods for previous nonsavers. Thus, even those individuals who were previously nonsavers will see their personal time-preference rates fall.
In addition, as an indirect result of the increased real incomes brought about through savings, nutrition and health care improve, and life expectancy tends to rise. In a development similar to the transformation from childhood to adulthood, with a higher life expectancy more distant goals are added to an individual's present value scale. The marginal utility of future goods relative to that of present ones increases, and the time-preference rate declines further.  

此外，储蓄带来的实际收入增加的间接结果是，营养和保健改善了，预期寿命趋于增加。类似于儿童长大成人的转变过程，随着预期寿命提高，人们会将更多的远期目标列入其个人当前价值表中。未来财货相对于当前财货的边际效用会增加，时间偏好率进一步下降。  

Simultaneously, the saver-investor initiates a "process of civilization." In generating a tendency toward a fall in the rate of time preference, he—and everyone directly or indirectly connected to him through a network of exchanges—matures from childhood to adulthood and from barbarism to civilization.  

同时，储蓄-投资者启动了一个“文明进程”。在其引发的时间偏好率下行趋势中，储蓄-投资者——以及通过交换网络与他有直接或间接联系的人——都成长了，他们从幼稚走向成熟，从野蛮走向文明。  

In building up an expanding structure of capital and durable consumer goods, the saver-investor also steadily expands the range and horizon of his plans. The number of variables under his control and taken into account in his present actions increases. Accordingly, this increases the number and time horizons of his predictions concerning future events. Hence, the saver-investor is interested in acquiring and steadily improving upon his knowledge concerning an increasing number of variables and their interrelationships. Yet once he has acquired or improved his own knowledge and verbalized or displayed it in action, such knowledge becomes a "free good," available for imitation and utilization by others for their own purposes. Thus, by virtue of the saver's saving, even the most present-oriented person will be gradually transformed from a barbarian to a  

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13 工资提高了，能够购买的东西就增多了，供给增加，则价值下降（供求定律）。那么对他来说，当前财货相对于未来财货的价值就下降了，如果其他条件不变，他的时间偏好率也会随之下降。  
14 原注：为了避免误解，必须明确，仅仅是长寿的事实对时间偏好没有影响。相反，只有人们对这一事实的主观预期，才会导致一个人时间偏好程度下降。
civilized man. His life ceases to be short, brutish, and nasty, and becomes longer, increasingly refined, and comfortable.

In the course of rising life expectancies, the supply of present goods increases. The process of civilization is depicted by a movement downward as the supply of present money increases. The process of civilization is described by a movement such as T1 or T2, slopes downward as the supply of present money increases. The process of civilization is depicted by a movement from point 11—with a time preference rate of t11—to point 22—with a time preference rate of t22. This movement is the composite result of two interrelated changes. On the one hand, it involves a movement along T1 from point 11 to 12, representing the fall in the time-preference rate that results if an individual with a given personality possesses a larger supply of present goods. On the other hand, there is a movement from point 12 to 22. This change from a higher to a lower time-preference curve—with real income assumed to be given—represents the changes in personality as they occur during the transition from childhood to adulthood, in the course of rising life-expectancies, or as the result of an advancement of knowledge.

The passage describes the process of civilization and the changes in time preference rates as the supply of present money increases over time. It highlights the role of individual time preference curves in depicting the process of civilization, with movements along these curves representing changes in personality as individuals move from childhood to adulthood. The passage also notes the relationship between the supply of present money and the time preference rate, showing how an increase in the supply of present money leads to a decrease in the time preference rate.

图1提供了对时间偏好现象和文明进程的图解。它将纵轴上的个人时间偏好率（特定当前财货与同一特定期货的溢价高度，它会导致给定个体进行跨期交易）与横轴上的个人真实货币收入（他的当前货币供给）联系起来。根据边际效用规律，每一个体的时间偏好曲线，如 T1 和 T2，随着当前货币供给增加向下倾斜。文明进程被描述为从时间偏好率为 t11 的点 11 向时间偏好率为 t22 的点 22 的移动。这种移动是两种相互关联的变化的综合结果。一方面，它涉及沿着 T1 从点 11 到点 12 的移动，这代表如果给定个体拥有更大的当前财货供给，将会导致时间偏好率下降。另一方面，也有从点 12 向点...
22 的移动。这种从更高的时间偏好曲线向更低的时间偏好曲线的变化（假定实际收入是给定的），代表着人的个性变化，因为它发生在从幼年向成年的转变中，发生在预期寿命增加或知识进步的进程中。

竖轴：时间偏好；横轴：真实货币收入
On Time Preference, Property, Crime, And Government

三、关于时间偏好、财产、犯罪和政府

The actual amount of present goods allocated to the production of future goods depends on the one hand on a person's technical knowledge. For instance, without the knowledge of how to build a fishing net, Crusoe obviously could not have begun to exchange present goods for future ones, that is, to save and invest. On the other hand, given a person's technical knowledge, the amount of saving depends solely on his supply of present goods and his time-preference schedule. The smaller his supply of present goods and the higher his time-preference schedule, the higher his effective time-preference rate and the lower his actual savings will be.

分配未来财货生产的当前财货的实际数量，一方面取决于个人的技术知识，例如，如果不具备编织渔网的知识，鲁滨逊显然不会以当前财货交换未来财货，即不会开始储蓄和投资。另一方面，在给定的个人技术知识前提下，储蓄数量完全取决于其当前财货供给和时间偏好表。如果当前财货供给越小且时间偏好表越高，那么他的实际时间偏好率就越高，实际储蓄就越低。

In the beginning of humanity, there was only "land" (nature-given resources and obstacles) and "labor" (human bodies). Strictly speaking, the only given supply of any good is that of body-time. The supply of all other goods—be they perishable or durable consumer goods such as berries or caves, or indirectly useful goods (production factors), such as berry bushes and their surrounding land—is not "given." It is the result of someone's prior action; of the appropriation (homesteading) of nature by a specific individual. The facts and laws of nature and human biology are "givens," of course, and nature as such may be generous or skimpy. But only through an individual's act of appropriation is nature turned into a supply of goods. It is even more obvious that the supply of all produced goods is not "given." Be they consumer goods, which have been stored, conserved or made more durable, or produced factors of production (capital goods), they are all the outcome of the activities of specific individuals. Finally, technical knowledge is also not a "given." That one potato saved today can yield ten potatoes one year from now may be a fact of nature, but one must first have a potato. Yet even if one did and one were perfectly willing to invest it for this return or an even lower one, such a fact would be irrelevant unless the person in question knew the laws of potato growing.
在人类诞生之初，只有“土地”（自然赋予的资源和障碍）和“劳动力”（人的身体）。严格地说，唯一“天赐”（given）的财货供给就是身体和时间（body-time）。所有其他财货供给——无论是易腐的或耐用的消费品，如浆果或洞穴，或间接有用的财货（生产要素），如浆果灌木丛及其周边土地——都不是“天赐”的。它是人们此前行动之结果；是特定个体对自然的占有（拓殖）之结果。当然，自然与人类生物学的事实与规律是“天赐”的，而自然本身可能是慷慨的，也可能是吝啬的。但只有通过个体的占有行动，自然才能供给财货。更为明显的是，所有生产的财货的供给都不是“天赐”的。无论是储藏和节约下来的以及制成的更耐用的消费品，还是生产出来的生产要素，它们都是特定个体行动之结果。最后，技术性知识也不是“天赐”的。今天储存一个土豆，一年后能出产十个土豆，这也许是一个自然事实，但首先要有一个土豆。然而，即使有人这么做了，而且他完全愿意为十个土豆甚至更少的回报进行投资，那他也必须了解土豆的生长规律，否则，这样的事实也无关紧要。

Thus, neither the supply of present goods nor technology is given or fixed. Rather, they are artifacts, created with the intention of improving their appropriator-producer's well-being. These expectations can turn out right or wrong, and rather than securing a profit for the actor, his actions may result in a loss. But no one would spend any time picking berries unless he expected the berries to be edible. No one would appropriate a berry bush unless he thought that this would enhance his berry harvest. No one would want to learn about any fact or law of nature unless he anticipated that such knowledge would help him improve his circumstances.

因此，当前财货或技术的供给既非不是天赐的，也不是固定的。更确切地说，它们是占有-生产者（appropriator-producer）在改善其福祉的意图下人为创造的。这些预期的结果可能是对的也可能是错的，行动者的行动可能会带来损失，而不能确保一定有收益。但除非预期浆果可以食用，否则人们不会花时间采摘它们。除非认为可以提高浆果收成，否则人们不会去占领浆果灌木丛。除非预期了解自然事实与规律有助于改善自己的处境，否则人们不会去学习任何这类知识。

In a social context, an individual's supply of appropriated and produced goods, his time-preference schedule, and hence his effective time-preference rate may also be affected by the actions—and the expectations regarding these actions—of others.
The tendency toward a fall in the time-preference rate and the accompanying process of civilization will proceed so long—as has so far been tacitly assumed to be the case—as no one interferes with another's acts of nature-appropriation and production. So long as this is the case and each person is respected by everyone else as the owner of his supply of body-time and whatever goods he has appropriated and produced such that everyone may enjoy, unmolested by others, all present and future benefits to be derived from these goods, the existence of more than one person either leaves the tendency toward a fall in the time-preference rate unchanged, or it even accelerates and reinforces the very process. The former is the case if and insofar as A appropriates a previously unowned, nature-given good, or if he transforms such a good into a different one without causing any physical damage to the goods owned by another person B. A's supply of present goods, or the value of such goods for A, is increased, and hence, ceteris paribus, his time-preference rate will fall. Because A's acts have no impact on the supply of goods owned by B, B's time-preference rate remains unaffected. Furthermore, the tendency will actually be accelerated insofar as A and B, based on the mutual recognition of each other's property, engage in voluntary trade or cooperation and even without any such exchange insofar as they merely observe each other's activities and copy each other's knowledge. For any voluntary trade or cooperation between A and B increases—ex ante—the supply and/or the value attached to the supply of the goods of both parties (otherwise it would not take place), and hence the time-preference rate of both A and B will fall. Moreover, by learning facts and laws from one another, such as that there are potatoes, that potatoes can be eaten, or that one's present potato may yield ten future ones, the tendency toward a fall in the rate of time preference spreads from one person to another.
财货对 A 的价值就增加了，因此，如果其他条件不变，他的时间偏好率就会下降。因为 A 的行动没有损害 B 所拥有的财货供给，B 的时间偏好率不受影响。进一步说，只要 A 和 B 基于对彼此财货的互相承认，进行自愿交易或合作，甚至没有任何交易，而仅仅只是观察彼此的行动和复制彼此的知识，这种下降的趋势实际上就会加速。因为 A、B 之间的任何自愿交易或合作，都会事先 (ex ante) 增加双方的财货供给和（或）附着于这些财货供给上的价值（否则交易和合作就不会发生），因此，A 和 B 的时间偏好率都会下降。此外，通过向其他人学习事实和规律，例如哪里有土豆，土豆可以吃或者某人的现货土豆未来会有十倍产出等等，时间偏好率的下降趋势就在人际之间扩散。

However, if violations of property rights occur and the goods appropriated or produced by A are stolen, damaged or expropriated by B, or if B restricts the uses that A is permitted to make of his goods in any way (apart from not being allowed to cause any physical damage to the property of B), then the tendency toward a fall in the rate of time preference will be disturbed, halted, or even reversed.

然而，如果发生侵犯财产权的情况，A 所占有或生产的财货被 B 偷走、损坏或掠夺了，或者如果 B 以任何方式限制 A 可能对其货物的利用（除了不允许对 B 的财产造成任何有形损害的情形），那么时间偏好率下降的趋势就会受到干扰，会停下来甚至逆转。

The violations of property rights—and the effect they have on the process of civilization—can be of two kinds. They can take the form of criminal activities (including negligent behavior), or they can take the form of institutional or governmental interference.

侵犯财产权及其对文明进程的影响的情形可以分为两类。可以采取犯罪（包括过失行为）形式，也可以采取制度或政府干预形式。

The characteristic mark of criminal invasions of property rights is that such activities are considered illegitimate or unjust not only by the victim, but by property owners in general (and possibly even by the criminal himself). Hence, the victim is considered to be entitled to defend himself if need be by retaliatory force, and he may punish and/or exact compensation from the offender.

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17 这个别扭的句子是要表达是自愿交易和合作会导致双赢。
The impact of crime is twofold. On the one hand, criminal activity reduces the supply of the goods of the victimized appropriator-producer-exchanger, thereby raising his effective time-preference rate (his time-preference schedule being given). On the other hand, insofar as individuals perceive a risk of future victimization they will accordingly reallocate their resources. They will build walls and fences, install locks and alarm systems, design or buy weapons, and purchase protection and insurance services. The existence of crime thus implies a setback in the process toward a fall in the rate of time preference as far as actual victims are concerned, and it leads to expenditures—by actual and potential victims—which would be considered wasteful without the existence of crime.

犯罪的影响是双重的。一方面，犯罪活动减少了受害的占有者、生产者、交易者的财货供给，从而提高了他的实际时间偏好率（他的时间偏好表是给定的）。另一方面，只要个人预判到未来受害的风险，他们便会相应地重新配置资源。他们会建造围墙和栅栏，安装门锁和报警系统，制造或购买武器以及购买防护和保险服务。因此，犯罪的存在，对相关实际受害人而言，意味着时间偏好率下降过程的中断，并导致实际和潜在受害者增加开支，没有犯罪的存在，这些开支就会被视为浪费。

Therefore, crime or a change in its rate has the same type of effect on time preference as the occurrence or a changed frequency of "natural" disasters. Floods, storms, heat waves, and earthquakes also reduce their victims' supplies of present goods and thus increase their effective time-preference rate. And the perceived risk-change of natural disasters also leads to resource reallocations and expense adjustments—such as the construction of dams, irrigation systems, dikes, shelters, or the purchase of earthquake insurance—which would be unnecessary without these natural risks.

因此，犯罪或犯罪率的变化对时间偏好的影响与“自然”灾害的发生及其频率变化的影响是同一类型。洪水、风暴、高温和地震也会减少受害者的现货供给，从而提高他们的时间偏好率。对自然灾害
More importantly, however, because actual and potential victims are permitted to defend, protect, and insure themselves against both social disasters such as crime as well as natural ones, the effect of these on time preference is temporary and unsystematic. Actual victims will save or invest a smaller amount of goods because they are poorer. And the altered risk perceptions among actual and potential victims shape the direction of their future actions. But as long as physical protection and defense are permitted, the existence of social or of natural disasters does not imply that the time-preference degree of actual or potential victims — their degree of re-orientation — will be systematically changed. After taking account of the damage and redirecting one’s activities, the tendency toward a fall in the rate of time preference and the attending process of civilization will resume its previous path. In its course, both the protection against crime and natural disasters can be expected to undergo continual improvement.

然而，更重要的是，因为实际和潜在受害者被允许自我捍卫，自我保护或购买保险以对抗这样的社会灾难（如犯罪）和自然灾害，它们对时间偏好的影响是暂时的和非系统化的。实际受害者对财货的储蓄和投资量会更小，因为他们更穷了。而实际和潜在的受害者则会改变风险预期，这会左右他们未来行动的方向。但是，只要允许物理保护和防卫（physical protection and defense），社会和自然灾害并不意味着实际或潜在的受害者的时间偏好程度（程度，呃或重新定向）会被系统性地改变。在考虑了损失和重新修正了行动以后，时间偏好率的下降趋势和与之相随的文明进程会重回正轨。可以预计，在这个过程中防范犯罪和自然灾害的工作将得到持续改善。

11 见图 1（见第 48 页）所示：就实际受害者而言，社会和自然灾害都意味着在给定的时间偏好曲线上向上和向左移动。但这并不意味着一个人的性格结构发生了从较低的时间偏好曲线向较高的时间偏好曲线的转变。然而，如果发生了政府灾难，就会出现这种性格结构的转变。

12 此处 physical，有“符合自然法则的，即万物之理的”含义。下文的物理防卫，物理保护都是这个含义。

13 这里是讲课文本没有修理干净的痕迹。

原注：关于竞争性法院和私人提供的辩护和执法系统的演变和效率，请见古斯塔夫·德·莫里纳利 (Gustave de Molinari) 《安保的生产（The Production of Security）》 (New York: Center for Libertarian Studies, 1977); 威廉·C·伍尔德里奇 (William C. Wooldridge) 《垄断者山姆大叔（Uncle Sam the Monopoly）》 (New Rochelle, N.Y.: Arlington House, 1970); 罗斯巴德《为了新自由（For A New Liberty）》 (New York: Macmillan, 1978); 霍普《私有财产的经济学与伦理学（The Economics and Ethics of Private Property）》 (Boston: Kluwer, 1993); 莫里斯 (Morris) 和琳达·坦尼希尔 (Linda Tannehill) 《自由的市场（The Market for Liberty）》 (New York: Laissez Faire Books, 1984); 特里·安德森 (Terry Anderson) 和尹·J·希尔 (P. J. Hill) 《美国在无政府资本主义方面的实验：狂野西部，没那么狂野（The American Experiment in Anarcho-Capitalism: The Not So Wild, Wild West）》，载于《自由意志主义研究期刊

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Matters fundamentally change and the process of civilization is permanently derailed whenever property-rights violations take the form of government interference, however. The distinctive mark of government violations of private property rights is that contrary to criminal activities they are considered legitimate not only by the government agents who engage in them, but by the general public as well (and in rare instances possibly even by the victim). Hence, in these cases a victim may not legitimately defend himself against such violations.\(^{23}\)

然而，只要侵犯财产权利的行为以政府干预的形式出现，事情就会发生根本变化，文明进程会永久偏离轨道。与犯罪活动相反，政府侵犯私人产权的显著标志是，这种侵犯不仅被实施侵犯的政府机构认为是合法的，而且公众也普遍认为（在极少数情况下，甚至受害者也这样认为）。因此，在这些情形下，受害者可能无法合法地捍卫自己免受这些侵犯。\(^{23}\)

The imposition of a government tax on property or income violates a property or income producer's rights as much as theft does. In both cases the appropriator-producer's supply of goods is diminished against his will and without his consent. Government money or "liquidity" creation involves no less a fraudulent expropriation of private-property owners than the operations of a criminal counterfeiter gang. Moreover, any government regulation as to what an owner may or may not do with his property—beyond the rule that no one may physically damage the property of others and that all exchange and trade with others must be voluntary and contractual—implies a "taking" of somebody's property on a par with acts of extortion, robbery,

or destruction. But taxation, the government's provision of liquidity, and government regulations—unlike their criminal counterparts—are considered legitimate, and the victim of government interference—unlike the victim of a crime—is not entitled to physical defense and protection of his property.

Because of their legitimacy, then, government violations of property rights affect individual time preferences systematically differently and much more profoundly than does crime. Like crime, government interference with private-property rights reduces someone's supply of present goods and thus raises his effective time-preference rate. Yet government offenses—unlike crime—simultaneously raise the time-preference degree of actual and potential victims because they also imply a reduction in the supply of future goods (a reduced rate of return on investment). Crime, because it is illegitimate, occurs only intermittently—the robber disappears from the scene with his loot and leaves his victim alone. Thus, crime can be dealt with by increasing one's demand for protection goods and services (relative to that for nonprotection goods) so as to restore or even increase one's future rate of investment return and make it less likely that the same or a different robber will succeed a second time with the same or a different victim. In contrast, because they are legitimate, governmental property-rights violations are continual. The offender does not disappear into hiding but stays around, and the victim does not "arm" himself but must (at least he is generally expected to) remain defenseless. Consequently future property-rights violations, rather than becoming less frequent, become institutionalized. The rate, regularity, and duration of future victimization increases. Instead of by improved protection, the actual and potential victims of government property-rights violations—as demonstrated by their continued defenselessness vis-a-vis their offenders—respond by associating a permanently higher risk with all future production and systematically adjusting their expectations concerning the rate of return on all future investment downward.

政府对财产或收入征税，与小偷一样，侵犯了生产这些财产或收入的权利。这两种情况违背了占有-生产者（appropriator-producer）意志，未经其同意就减少了他们的财货供给。政府发行货币或创造“流动性”，与造假的犯罪团伙的行为一样，涉及对现有财产所有者的欺诈性侵占。进一步说，除了“任何人不得物理损害他人财产和所有与他人的交换与贸易必须基于自愿与合约”的规则之外，任何“针对所有者可以或不可以运用其财产”的政府管制都意味着“拿走”某人的财产，这与勒索、抢劫和破坏行动是一样的。但是，与相应的犯罪行为不同，税收、政府提供的流动性和政府管制被认为是合法的，政府干预的受害者，也与犯罪行为的受害者不同，他们无权对自己的财产进行物理捍卫和保护。

第 97 章 论时间偏好。政府与反文明进程
然后，因为其合法性，政府侵犯财产权对个人时间偏好的影响不同于犯罪的影响，它是系统性的，其程度也远比后者深远。像犯罪一样，政府干预私有产权减少了当前财货供给，因此抬高了时间偏好率。然而，与犯罪不同，政府的侵犯同时提升了实际和潜在受害者的时间偏好程度，因为它也减少了未来财货的供给（减少了投资的未来回报率）。犯罪，因为不合法，只会（或持续地）出现劫匪扔下受害者，从现场卷走赃物的情景。因此，人们可以通过增加防卫性财货和服务（相对于非防卫性财货）的需求，恢复甚至增加人们的未来投资回报率，以及减少同一或不同劫匪再次成功加害同一或不同受害者的可能性，来对待犯罪问题。相反，因为合法，政府对私有财产的侵犯是持续的。侵犯者不会消失和藏匿，而是一直在人们身边晃荡，而受害者不能“武装”自己而必须（至少是被普遍预期地）保持手无寸铁的状态。因此，对未来财产权的侵犯，非但不会减少频率，而且会制度化。未来受害的比率、频度和持续时间都会增加。政府侵犯产权的行为的实际和潜在受害者——手无寸铁地面对侵犯者，已经证明他们是实际和潜在的受害者——的回应，不是改进自己的防卫，而是将持续的高风险与所有未来生产联系起来，并系统性地调低与所有未来投资的预期回报率。

Compelling with the tendency toward a falling rate of time preference, another opposing tendency comes into operation with the existence of government. By simultaneously reducing the supply of present and (expected) future goods, governmental property-rights violations not only raise time-preference rates (with given schedules) but also time-preference schedules. Because appropriator-producers are (and see themselves as) defenseless against future victimization by government agents, their expected rate of return on productive, future-oriented actions is reduced all-around, and accordingly all actual and potential victims become more present-oriented.

随着政府的存在，另一个趋势开始起作用，它与时间偏好率的下降趋势相反，并与之展开竞争。通过同时减少当前和（预期）的未来财货供给，政府对财产权的侵犯不仅提高了（给定的价值表中的）时
间偏好率，而且还抬高了时间偏好。因为面对政府机构的未来伤害，富有-生产者是（并认为自己是）没有抵抗力的，所以他们的生产性的，未来取向的行动之预期回报率会全面降低，因此，所有实际和潜在的受害者就变得更加注重当下。

As will be explained in the course of the following section, if government property-rights violations take their course and grow extensive enough, the natural tendency of humanity to build an expanding stock of capital and durable consumer goods and to become increasingly more farsighted and provide for ever-more distant goals may not only come to a standstill, but may be reversed by a tendency toward decivilization: formerly provident providers will be turned into drunks or daydreamers, adults into children, civilized men into barbarians, and producers into criminals.

正如下一节中将要解释的那样，如果政府对财产权的侵犯继续下去并扩张到足够广泛的程度，人类持续增加资本品与耐用消费品库存，以及越来越有远见、制定更加遥远的目标的自然趋势，不仅可能会停滞下来，而且可能被一种反文明的趋势逆转：之前的供给者会变成酒鬼或空想家，成人会变回孩子，文明人会变成野蛮人，生产者会变成罪犯。
Government, Government Growth, And The Process Of Decivilization: From Monarchy To Democracy

四、政府、政府扩张与反文明进程：从君主制到民主制

Every government, and that means every agency that engages in continual, institutionalized property-rights violations (expropriations), is by its nature a territorial monopolist. There can be no "free entry" into the business of expropriations; otherwise, soon nothing would be left that could be expropriated, and any form of institutionalized expropriation would thus become impossible. Under the assumption of self-interest, every government will use this monopoly of expropriation to its own advantage—in order to maximize its wealth and income. Hence every government should be expected to have an inherent tendency toward growth. And in maximizing its own wealth and income by means of expropriation, every government represents a constant threat to the process of civilization—of falling time preferences and increasingly wider and longer provision—and an expanding source of decivilizing forces.

每一个政府，亦即每一个持续从事制度化侵犯（征掠）财产权行为的机构，本质上是一个领土垄断者。其他人不可能“自由进入”（free entry）这种征掠事业；否则，所有东西都很快就会被征掠殆尽，从而使任何形式的制度化征掠都变得不可能。在自利假设下，每个政府都会利用这种垄断征掠来为自己谋利——以使其财富和收入最大化。因此，可以预计，每个政府都会有扩张的内在趋势。因为每个政府都以征掠手段最大化自身财富和收入，所以它都意味着对文明进程（即时间偏好持续下降和供给范围越来越大，供给时间越来越长的进程）的持续威胁，意味着反文明力量不断扩大。

However, not every government prospers equally and produces decivilizing forces of the same strength. Different forms of government lead to different degrees of decivilization. Nor is every form of government, and every sequence of government forms, equally probable.

然而，并非每一个政府都会同等成功和产生同等力度的反文明力量。不同形式的政府导致不同程度反文明化。也不是每种形式的政府，和每种政府形式的序列，都具备同样的反文明可能性。

Given that all expropriation creates victims and victims cannot be relied upon to cooperate while being victimized, an agency that institutionalizes expropriation must have legitimacy. A majority of the nongovernmental public must regard the government's actions as just or at least as fair enough not to be resisted
so as to render the victim defenseless. Yet acquiring legitimacy is not an easy task. For this reason, it is not likely, for instance, that a single world government could initially arise. Instead, all governments must begin territorially small. Nor is it likely, even for as small a population as that of a clan, a tribe, a village, or a town, that a government will initially be democratic, for who would not rather trust a specific known individual—especially in as sensitive a matter as that of a territorial monopoly of expropriation—than an anonymous, democratically elected person? Having to begin small, the original form of government is typically that of personal rule: of private ownership of the governmental apparatus of compulsion (monarchy). In every society of any degree of complexity, specific individuals quickly acquire elite status as a result of having diverse talents. Owing to achievements of superior wealth, wisdom, bravery, or a combination thereof, particular individuals command respect, and their opinions and judgments possess natural authority. As an outgrowth of this authority, members of the elite are most likely to succeed in establishing a legitimate territorial monopoly of compulsion, typically via the monopolization of judicial services (courts and legislation) and law enforcement (police). And because they owe their privileged position to their personal elitist character and achievements, they will consider themselves and be regarded by their fellows as the monopoly's personal owner. Democratic rule—in which the government apparatus is considered "public" property administered by regularly elected officials who do not personally own and are not viewed as owning the government but as its temporary caretakers or trustees—typically only follows personal rule and private government ownership. Because masses or majorities cannot possibly possess any natural authority (this being a personal, individual trait), democratic governments can acquire legitimacy only unnaturally—most typically through war or revolution. Only in activities such as war and revolution do masses act in concert and do victory and defeat depend on mass effort. And only under exceptional circumstances such as these can mass majorities gain the legitimacy needed to transform government into public property.

鉴于所有征掠都会产生受害者，且不能让受害者受害时团结合作，进行制度化征掠的机构必须拥有合法性。政府必须让大多数非政府民众认为，政府的行动是正义的，或者至少足够公平到不应被抵制，这样才会使受害者丧失抵抗力。然而，获得合法性并非易事。举例来说，出于这个原因，单一的世

These two forms of government—private or public ownership of government (monarchy or democracy)—have systematically different effects on social time preference and the attendant process of
civilization, and with the transition from personal (monarchical) to democratic (public) rule in particular, contrary to conventional wisdom, the decivilizing forces inherent in any form of government are systematically strengthened.\textsuperscript{28}

这两种形式的政府——政府私有或公有（君主制或民主制）——对社会时间偏好及与之相随的文明进程有着系统性的不同影响，尤其是随着从个人（君主）统治向民主（公）统治过渡，与大众观念（conventional wisdom）相反，内在于任何形式之政府的反文明力量都得到了系统性的强化。\textsuperscript{28}

The defining characteristic of private government ownership and the reason for a personal ruler’s relatively lower degree of time preference (as compared to criminals and democratic governments) is that the expropriated resources and the monopoly privilege of future expropriation are individually owned. The expropriated resources are added to the ruler’s private estate and treated as if they were a part of it, and the monopoly privilege of future expropriation is attached as a title to this estate and leads to an instant increase in its present value ("capitalization" of monopoly profit). Most importantly, as the private owner of the government estate, the ruler is entitled to pass his possessions on to his personal heir. He may sell, rent, or give away part or all of his privileged estate (and privately pocket the receipts from the sale or rental), and he may personally appoint or dismiss every administrator and employee of his estate.\textsuperscript{19}

政府私人所有制的明确特征，是被征掠的资源和未来征掠的垄断特权是个体拥有的，这也是个人统治者（与犯罪和民主政府比较）会相对降低时间偏好原因。征掠而来的资源被归入统治者的私人产业（private estate），并被视为后者产业的一部分，而未来征掠的垄断特权被归于其产业的名义所有权，导致统治者资产现值立刻增加（垄断利润的“资本化”）。最重要的是，作为政府产业的私人所有者，统治者有权将其财产传给其个人的继承人。他可以出售、租赁和放弃其特权产业（和将出售或出租的成果收入私囊），他可以个人任命或解雇其产业的管理者及雇员。\textsuperscript{29}

\textsuperscript{28} 原注：另见以下关于“公地悲剧” 的文献，例如，《管理公共之物 (Managing The Commons)》，加勒特·哈丁 (Garrett Hardin) 和约翰·巴登 (John Baden) 主编 (San Francisco: W. H. Freeman, 1977)。另见曼瑟尔·奥尔森 (Mancur Olson) 《独裁、民主和发展 (Dictatorship, Democracy, and Development)》，载于《美国政治科学评论 (American Political Science Review)》第 87 卷第 3 期 (1993)。

\textsuperscript{29} 原注：根据对君主制的这种描述，当今的“君主制国家” 如英国、荷兰、比利时、瑞典、挪威、丹麦或西班牙显然只是名义上的君主政体。事实上，它们代表了此处和下文中被认为只是民主政体的例子。这里所定义的“君主制”一词，反而最适用于符合十八世纪末特点的欧洲政府形式：旧制度——从那时候开始，在美国特别是法国大革命的刺激下；在一个直至一战前形成的进程里，君主制逐渐转变为民主制。
The institution of private government ownership systematically shapes the incentive structure confronting the ruler and distinctly influences his conduct of government affairs. Assuming no more than self-interest, the ruler tries to maximize his total wealth, i.e., the present value of his estate and his current income. He would not want to increase current income at the expense of a more than proportional drop in the present value of his assets. Furthermore, because acts of current income acquisition invariably have repercussions on present asset values (reflecting the value of all future expected asset earnings discounted by the rate of time preference), private ownership in and of itself leads to economic calculation and thus promotes farsightedness.

While this is true of private ownership generally, in the special case of private ownership of government it implies a distinct moderation with respect to the ruler's drive to exploit his monopoly privilege of expropriation, for acts of expropriation are by their nature parasitic upon prior acts of production by the nongovernmental public. Where nothing has first been produced, nothing can be expropriated, and where everything has been expropriated, all future production will come to a shrieking halt. Hence, a private owner of government (a king) would avoid taxing his subjects so heavily as to reduce their future earning potential to the extent that the present value of his estate (his present asset values) would actually fall, for instance. Instead, to preserve or even enhance the value of his personal property, he would systematically restrain himself in his taxing policies, for the lower the degree of taxation, the more productive the subject population will be, and the more productive the population, the higher the value of the...
ruler's parasitic monopoly of expropriation will be. He will use his monopolistic privilege, of course. He will not tax. But as the government's private owner, it is in his interest to draw—parasitically—on a growing, increasingly productive and prosperous nongovernment economy, as this would—always and without any effort on his part—also increase his own wealth and prosperity. Tax rates would thus tend to be low.

Further, it is in a personal ruler's interest to use his monopoly of law (courts) and order (police) for the enforcement of the pre-established private property law. With the sole exception of himself (for the nongovernment public and all of its internal dealings, that is), he will want to enforce the principle that all property and income should be acquired productively and/or contractually, and accordingly, he will want to threaten all private rule-transgressions as crimes with punishment. The less private crime there is, the more private wealth there will be and the higher will be the value of the ruler's monopoly of taxation and expropriation. In fact, a private ruler will not want to lean exclusively on tax revenue to finance his own expenditures. Rather, he will also want to rely on productive activities and allocate part of his estate to the production and provision of "normal" goods and services, with the purpose of earning its owner a "normal" (market) sales revenue.

尽管一般来说私有制会导致经济计算和增进远见，但在政府私有的特殊情形下，它还意味着会明显缓和统治者利用其垄断征税特权的动力，因为征税行动本质上寄生于非政府公众之前的生产行动。如果没有事先的产出，就没有可供征税的东西；如果一切东西都被征税殆尽，所有未来生产都将尖声叫停（shrieking halt）。因此，举例来说，私人拥有的政府（国王）会避免对其臣民过度征税，以免导致他的未来收入潜力减到其产业（他的王国）现值出现实际下降的程度。相反，为了维持甚至提高其私有财产的价值，他会系统性地限制自己的税收政策，因为税率越低，臣民产出越多，而产出越多，统治者垄断征税的寄生价值就越高。当然，他还会运用其垄断特权，不会不征税。但作为政府的私人所有者，寄生于一个生产力不断增长和繁荣的非政府经济体系，是符合他的利益的，因为这将永远不费任何努力就能增加自己的福祉和财产。税率会因此趋于降低。

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Moreover, private ownership of government implies moderation for yet another systematic reason. All private property is by definition exclusive property. He who owns property is entitled to exclude everyone else from its use and enjoyment, and he is at liberty to choose with whom, if anyone, he is willing to share in its usage. Typically, a private-property owner will include his family and exclude all others. The property becomes family property with him as the head of the family, and every nonfamily person will be excluded from using family property, except as invited guests or as paid employees or contractors. In the case of government, this exclusive character of private property takes on a special meaning. In this case it implies that everyone but the ruler and his family is excluded from benefiting from nonproductively acquired property and income. Only the ruling family—and to a minor extent its

31 原注: 关于君主对先前存在的私有财产法律的承认，见贝特朗·德·儒弗内尔(Bertrand de Jouvenel)《主权(Sovereignty)》，特别是第 10 章和第 11 章。

第一任法国国王的宣誓中表达了君主对待权利的态度: “我将尊重和维护你们每一个人，我将为每个人维护适用于他的法律和正义。”当国王被称为 “正义的债务人”时，这不是一句空话。如果说他的职责是 “使人各得其所应得” (suum cuique tribuere)，那么这个 “应得” (suum) 就是一个固定的基准。这并不是说，国王要以他丰富的知识将他认为最有益于 A 的东西交给 A，而是要按照惯例将属于 A 的东西分配给 A。主观权利不是不确定期限的赠予，而是自由保有 (freehold) 的财产 (possession)。君主的权利也是自由保有。与其他权利一样，这是一项主观权利，虽然具有更高的尊严，但它不能剥夺其他权利。《(第 172-73 页) 德·儒弗内尔下接下来说:

被广泛引用的腓特烈大帝与圣苏奇磨坊主的轶事忠实地反映了古代国家的状况。相比磨坊主的权利，国王的权利范围之大不可同日而语。但就磨坊主的权利而言，它和国王的权利是同样的善 (good); 在自己的土地上，磨坊主有权阻止国王。事实上，存在一种根深蒂固的感觉，即所有实证权利都是同起同落的。如果国王无视磨坊主的土地所有权，那么国王对王位的所有权也可以被否认。深刻 (虽嫌晦涩) 的合法性概念确立了所有权利的一致性 (第 189 页)。关于国王的资金问题，德·儒弗内尔指出:

我们现在所说的国家开支，在封建时代被认为是国王自己的开支，这是他由于自己的地位而产生的。当他登基为王，他同时进入了一个 (现代意义上的) “产业” (estate); 也就是说，他发现自己被赋予了财产权，它足以确保有足够的收入来满足 “国王的需要” 这有点像我们这个时代的政府从国有工业的收益中支付日常开支。

然而，仍然值得注意的是，对法律和秩序的任何垄断仍然意味着比竞争条件下普遍存在的价格更高和/或产品质量更低，即使是一个国王也会利用他对惩罚的垄断来为自己谋利：逐渐地从 “恢复和补偿权利被侵犯的受害者” 的原则转向补偿国王自己的权利。关于这一点，请见布鲁斯·L·本森 (Bruce L. Benson) 《刑法的发展及其实施 (The Development of Criminal Law and Its Enforcement)》，载于《经济学家与人类研究期刊 (Journaldes Economisteset des Etudes Humaines)》第 3 期 (1992 年)。
friends, employees, and business partners—shares in the enjoyment of tax revenues and can lead a parasitic life. The position as head of government—and of the government estate—is typically passed on within the ruling family, such that no one outside the king's family can realistically hope to become the next king. While entrance into the ruling family might not be closed entirely, it is highly restrictive. It might be possible to become a family member through marriage. However, the larger the ruling family, the smaller each member's share in the government's total confiscations will be. Hence, marriage typically will be restricted to members of the ruler's extended family. Only in exceptional cases will a member of the ruling family marry a complete "outsider"; even if this occurs, a family member by marriage will not normally become the head of the ruling family.

此外，还因为另一个系统性原因，私人所有的政府意味着“适度”。根据定义，所有私有财产都是排他性财产。拥有财产的人有权不让人利用和享受财产，如果他想与他人分享他的财产使用权，他可以自由选择对象。通常，一个私有财产拥有者会包括其家庭成员并排除其他人。作为一家之主，他的财产成为家庭财产，每一个非家庭成员都不得使用其家庭财产，除非他是被邀请的客人或者有偿雇员和订约者（contractor）。在政府也被私有的情况下，私有财产的排他性特征具有特殊含义。它意味着除了统治者及其家人，所有人都不能从非生产性所得的财产和收入中获益。只有统治者家族及小范围的朋友、雇佣以及商业伙伴能共享财税收入并过上寄生虫的生活。政府首领的位置和政府产业通常在统治家族中传递，因此，王室家族之外的任何人都没有成为下一个国王的希望。虽然进入统治家族的大门没有完全紧闭，但限制性很强。有人可能通过通婚成为家族成员，然而，统治家族规模越大，每位成员在政府总征掠夺所得中占的份额就会越小。因此，通婚通常仅限于统治者大家族成员之间。只有在例外的情况下，统治家族成员才会与一个完全的“外人”结婚；即使这种事发生了，通过联姻成为家族成员的人，正常情况下也不会成为统治家族的首脑。

Owing to these restrictions regarding entrance into government and the exclusive status of the individual ruler and his family (as king and nobles), private-government ownership (monarchism) stimulates the development of a clear "class consciousness" on the part of the governed public and promotes opposition and resistance to any expansion of the government's power to tax. A clear-cut distinction between the few rulers and the many ruled exists, and there is little or no risk or chance of a person's moving from one class to the other. Confronted with an almost insurmountable barrier to "upward" mobility, solidarity among the ruled—their mutual identification as actual or potential victims of government violations of property rights—is strengthened, and the ruling class's risk of losing its legitimacy as a result of increased taxation is accordingly heightened.
由于政府入口受限和人个人统治者及其家族（如国王和贵族）的专属地位，政府私人所有制（君主制）促使被统治群众形成明确的“阶级意识”，并促进了对政府扩张税权的反对和抵制。少数统治者和许多被统治者之间泾渭分明，阶层变化的风险或机会很小或根本没有。面对几乎不可逾越的“向上”流动障碍，被统治者之间的团结得到强化，作为政府侵犯财产权的实际或潜在受害者，他们互相认同对方的身份。统治阶级加税带来的丧失合法性的风险相应地提高了。

In fact, the class consciousness among the ruled exerts a moderating effect not only on the government's internal policies, but also on its conduct of external affairs. Every government must be expected to pursue an expansionist foreign policy. The larger the territory and the greater the population over which a monopoly of confiscation extends, the better off those in charge of this monopoly will be. Because only one monopoly of expropriation can exist in any given territory, this expansionary tendency must be expected to go hand in hand with a tendency toward centralization (with ultimately only one, worldwide government remaining). Moreover, because centralization implies reduced opportunities for interterritorial migration—for voting with one's feet against one's government and in favor of another—the process of intergovernmental competition, of expansive elimination, should be expected to generate simultaneous tendencies toward increasingly higher rates of government expropriation and taxation. 23

事实上，被统治者的阶级意识不仅对政府的对内政策，而且对其对外行为也起了调节作用。每个政府都必定奉行扩张主义的外交政策。垄断征掠范围内领土越大，人口越多，那些掌控这种垄断的人就会过得更好。因为任何给定的领土内都只有一个征掠垄断者，可以预计，其征掠趋势必然会与中心化趋势齐头并进（最终只有一个世界性政府保留下来）。再说，因为中心化意味着减少了跨领土移民——

23 原注：德·儒弗内尔写道：“我们这个时代的人无法想象中世纪国王缺乏真正的权力，我们从‘国王缺乏真正的权力’中自然地得出结论，为了确保一项决定的执行，他需要让其他领导人参与进来，而这些领导人的点头（say-so）强化了他自己的决定。”同上，《政治的本质》，第 113 页。在其他地方，德·儒弗内尔指出：

国王不能强求捐赠，他只能要求“补贴”。强调自愿给予帮助的臣民常常抓住这个机会来设定条件。例如，他们给（法国的）好人约翰（John the Good，注：法国国王约翰二世）提供补贴，但条件是他今后不得铸造不足秤的货币。为了补充国库，国王可能会像百年战争前夕那样，挨个城镇乞讨，说明自己的要求并获得地方补助金；或者，他可以从全国各地召集那些他愿求其财政支持的人。把这种召集与现代议会混为一谈是一个严重的错误，尽管后者是由前者产生的。议会享有主权，可以要求捐款。旧议会应该被看作是现代公司董事会同意把他们的一部利润交给财政部的集会，一些出席的行会首领同意行会的部分会费用于公共目的。每个群体都要求上交一笔对政府的补贴，因此每群体都可以设定条件。一个现代的议会不能被这样对待，而是要以多数票的方式把自己的意志强加给别人。（《主权》，第 178-179 页）

另见道格拉斯·C·诺斯（Douglass C. North）和罗伯特·P·托马斯（Robert P. Thomas）《西方世界的崛起：新经济史（The Rise of the Western World: A New Economic History）》（Cambridge: Cambridge University Press, 1973），第 96 页。
用脚投票反对一个政府而支持另外一个政府——的机会，政府间的竞争和大规模淘汰进程预计会同时导致政府征税率和税率持续上升的趋势。13

However, a privately-owned government significantly affects the form and pace of this process. Owing to its exclusive character and the correspondingly developed class consciousness of the ruled, government attempts at territorial expansion tend to be viewed by the public as the ruler's private business, to be financed and carried out with his own personal funds. The added territory is the king's, and so he, not the public, should pay for it. Consequently, of the two possible methods of enlarging his realm, war and military conquest or contractual acquisition, a private ruler tends to prefer the latter. It must not be assumed that he is opposed to war, for he may well employ military means if presented with an opportunity. But war typically requires extraordinary resources, and since higher taxes and/or increased conscription to fund a war perceived by the public as somebody else's will encounter immediate popular resistance and thus pose a threat to the government's internal legitimacy, a personal ruler will have to bear all or most of the costs of a military venture himself. Accordingly, he will generally prefer the second, peaceful option as the less costly one. Instead of through conquest, he will want to advance his expansionist desires through land purchases or, even less costly and still better, through a policy of intermarriage between members of different ruling families. For a monarchical ruler, then, foreign policy is in large measure family and marriage policy, and territorial expansion typically proceeds via the contractual conjunction of originally independent kingdoms.14

然而，私人所有的政府明显地影响了这一进程的形式和步调。由于排他性特征和被统治者阶级意识的相应形成，政府扩张领土的意图会被公众认为是统治者的私事，应由其私人资金出资和实施。增加的领土是国王的，所以应该由国王而非公众为扩张买单。因此，扩大疆域有两种可能的形式，通过战争和军事征服取得，或者通过合约取得，私人统治者会更倾向于后者。但不能断言他会反对战争，因为如果有机会，他很可能会使用军事手段。但是，战争通常要求投入极大的资源，既然高税收和（或）增加征兵来资助一场被公众视为“别人”的战争，会立刻面临民众的抵制并因此对政府的对内合法性构成威胁，私人统治者不得不自己承担全部或大部分军事冒险的成本。因此，他一般会更偏爱第二种

成本较低的和平选择。他会希望通过购买土地或甚至更高成本和更巧妙地通过不同统治家族之间的联姻政策来满足其扩张欲求。于是，对一个君主制统治者来说，对外政策很大程度上是家族和婚姻政策，而领土扩张通常是通过之前原本独立的王国之间的合约化连结进行的。\(^{34}\)

In contrast to the internal and external moderation of a monarchy, a democratic (publicly owned) government implies increased excess, and the transition from a world of kings to one of democratically-elected presidents must be expected to lead to a systematic increase in the intensity and extension of government power and a significantly strengthened tendency toward decivilization.

与君主政体温和的内外政策相比，民主（公有）政府意味着过度扩张，意味着从君王世界向民选总统的过渡必然会导致政府权力在强度和范围上同步增加，意味着反文明趋势的明显强化。

A democratic ruler can use the government apparatus to his personal advantage, but he does not own it. He cannot sell government resources and privately pocket the receipts from such sales, nor can he pass government possessions on to his personal heir. He owns the current use of government resources, but not their capital value. In distinct contrast to a king, a president will want to maximize not total government wealth (capital values and current income) but current income (regardless and at the expense of capital values). Indeed, even if he wished to act differently, he could not, for as public property, government resources are unsaleable, and without market prices economic calculation is impossible. Accordingly, it must be regarded as unavoidable that public-government ownership results in continual capital consumption. Instead of maintaining or even enhancing the value of the government estate, as a king would do, a president (the government's temporary caretaker or trustee) will use up as much of the government resources as quickly as possible, for what he does not consume now, he may never be able to consume. In particular, a president (as distinct from a king) has no interest in not ruining his country. For why would he not want to increase his

\(^{34}\) 原注：作为这类外交政策的一个突出例子，可以举出奥地利哈布斯堡家族的例子，他们的座右铭是“别人必须征战，但是你——幸运的奥地利——可以联姻（bella geruntali; tujelix Austria, nubes）”。马克西米利安一世（Maximilian, 1493-1519）娶了勃艮第公爵的女继承人，后者在过去一百多年在神圣罗马帝国的西端获得了许多地区——包括与法国接壤的尼德兰和勃艮第自由郡。马克西米利安这段婚姻中有了一个儿子，菲利普，他娶了乔安娜——西班牙斐迪南与伊莎贝拉的继承人。菲利普与乔安娜生了一个儿子查理斯。查理斯继承了四位祖辈的遗产——马克西米利安的奥地利，勃艮第玛丽（勃艮第女继承人）的尼德兰和自由郡，伊莎贝拉的卡斯迪尔和西属美洲，斐迪南的阿拉贡、地中海及意大利所有权。此外，在1519年，他被推举为神圣罗马帝国皇帝，因此成为全德意志的象征性元首。见罗伯特·帕尔马（Robert R. Palmer）和乔尔·科尔顿（Joel Colton）《现代世界史（A History of the Modern World）》（New York: Alfred Knopf, 1992），第74页。

关于君主战争的有限性和温和性，见下文关于民主战争的讨论。
confiscations if the advantage of a policy of moderation—the resulting higher capital value of the
government estate—cannot be reaped privately, while the advantage of the opposite policy of higher
taxes—a higher current income—can be so reaped? For a president, unlike for a king, moderation offers
only disadvantages. 35

35 转引自：《论公有制的性质及其固有的非理性》，见汉斯·赫尔曼·霍普《权力与市场（Power and Market）》，第 172-84 页；汉斯·赫尔曼·霍普《社会主义和资本主义理论（A Theory of Socialism and Capitalism）》（Boston: Kluwer, 1989），第 9 章。
我们可以思考奴隶制度和对比私人拥有奴隶的情形（例如内战前的美国）与公共奴隶的情形（例如前苏联和东欧帝国），来进一步说明政府归私制（和低时间偏好）与政府归公制（和高时间偏好）之间的根本区别。

正如私人所有的奴隶如果试图逃跑会受到惩罚一样，在前苏联帝国所有地方，移民都是非法的，都会被作为刑事罪犯受到惩罚，如果有必要，政府会射杀试图逃跑的人。而且，反怠工法（anti-loaing laws）无处不在，政府可以给任何公民分配任务和施加奖惩。因此，苏联制度被归为奴隶制。然而，与奴隶的私人所有者不同，东欧的奴隶所有者——从列宁到戈尔巴乔夫——不会将他们的臣民在劳动力市场上出售或出租并私人占有其“人力资本”的租售收益。因此，这种制度被归为公共（或社会主义）奴隶制。

Moreover, with public instead of private government ownership the second reason for moderation is also gone: the clear and developed class-consciousness of the ruled. There can never be more than one supreme ruler, whether king or president. Yet while entrance into the position of king and a promotion to the rank of nobility is systematically restricted under a monarchy, in a publicly owned government, anyone, in theory, can become a member of the ruling class—or even president. The distinction between the rulers and the ruled is blurred, and the class-consciousness of the ruled becomes fuzzy. The illusion even arises that such a distinction no longer exists: that with a democratic government no one is ruled by anyone but everyone instead rules himself. Indeed, it is largely due to this illusion that the transition from monarchy to democracy could be interpreted as progress and, hence, as deserving public support. Accordingly, public resistance against government power is systematically weakened. While expropriation and taxation before may have appeared clearly oppressive and evil to the public, they seem much less so, mankind being what it is, once anyone may freely enter the ranks of those who are at the receiving end.
此外，随着政府归公制取代政府归私制，“适度”的第二个理由——被统治者清晰的、不断发展的阶级意识——也消失了。最高统治者只能有一个，不管是政府还是总统。然而，君主制下登基为王和晋身贵族的人口受到制度性限制，而在政府归公的情况下，理论上任何人都能成为统治阶级成员——甚至当上总统。统治者与被统治者之间的界限不那么清楚了，被统治者的阶级意识开始模糊。甚至出现了一种错觉，即这样的区别不再存在，在民主政府下，没有人被其他人统治，而是每一个人都在统治自己。的确，很大程度上正是由于这种错觉，从君主制到民主制的转变被解释为是进步的，因而也是值得公众支持的。相应地，公众对政府权力的抵制也被系统性地削弱了。虽然此前征掠和税收对公众来说显然是压迫和邪恶，但是，一旦任何人都可以自由地进入终端收割者行列，它们似乎就远远不是那么回事了，人类就是这个样子。

Consequently, taxes will increase, be it directly in the form of higher tax rates or indirectly in that of increased governmental money "creation" (inflation). Likewise, government employment and the ratio of government employees ("public servants") to private employees tends to rise, attracting and promoting individuals with high degrees of time preference and low and limited farsightedness.  

因此，税收会以直接以提高税率的形式，或间接地以增加政府“创造”的货币量的形式增加。同样的，政府岗位及政府雇员（“公务员”）与私人雇员的比率会趋于上升，不断吸引时间偏好度高和远见度低且受限的人，并改善他们的处境。  

原注：正如贝尔特朗·德·儒弗内尔（Bertrand de Jouvenel）所解释的：从十二世纪到十八世纪，政府权力不断增长。这个过程被所有看到它发生的人所理解；它激起了他们不断抗税暴力反应。后来，它继续加速增长，它也带来了战争的相应延长。现在我们不再了解这个过程，我们不再抗议，不再反应。我们的平静是一个新事物，为此，权力必须感谢它包裹自己的烟幕。从前，这一点可以由国王身上看出，他并不否认自己是主人，而且在他身上可以看出人类的激情。现在，在匿名的面具下，它声称权力不存在，只是一个非个人的和没有激情的工具，但这显然就是一个谎言，权力总是掌握在控制权力机构的人手中。所改变的只是，现在被统治者很容易改变主要掌权者的人事任命。从一个角度看，这削弱了权力，因为控制社会生活的意志可以任由社会乐意而轻易被其他更自信的意志所取代。但是，向所有野心勃勃的人才开放权力的安排使权力的延伸更加容易。在“旧制度”下，社会上那些野心家（moving spirits），知道自己没有机会分享权力，很快就会对最小程度的侵犯进行谴责。另一方面，当每个人都有可能成为一个管理者时，没有人会关心废除未来某日中他渴望就职的官方机构，或者将沙子撒进一台未来会轮到自己使用的机器中去。因此，在现代社会的政治圈子里，权力的扩张有着广泛的共谋。（《论权力（On Power）》，第 9–10 页）事实上，直到十九世纪下半叶，在整个君主制时代税负很少超过国家产值的 5%。十九世纪下半叶，正是始于法国大革命，终于一战的反君主化和民主化历史进程的转折点。从那时起，税负就开始持续上升（另见上文注62）。在西欧，一战后税负保持在国家产值的 15–20% 之内，眼下它已经上升到 50% 左右。同样的，直到十九世纪后半叶，整个君主制时代的政府雇员很少超过劳动力的 2%。从那以后，它一直在稳步增长，而今天它通常是 15% 到 20%。详见彼得·弗洛拉（Peter Flora）《1815–1975 年西欧国家、经济和社会：数据手册（Economy, and Society in Western Europe 1815–1975: A Data Handbook）》（London: Macmillan, 1983）第 1 卷第 5 章和第 8 章。君主统治者在获得贷款方面遇到的困难是臭名昭著的（另见上文注 60）；国王通常要支付高于平均水平的利率，这反映了他们相对较高
The combination of these interrelated factors—"public" ownership of the government plus free entry into it—significantly alters a government's conduct of both its internal and its external affairs. Internally, the government is likely to exhibit an increased tendency to incur debt. While a king is by no means opposed to debt, he is constrained in this "natural" inclination by the fact that as the government's private owner, he and his heirs are considered personally liable for the payment of all government debts (he can literally go bankrupt, or he may be forced by creditors to liquidate government assets). In distinct contrast, a presidential government caretaker is not held liable for debts incurred during his tenure of office. Rather, his debts are considered "public," to be repaid by future (equally nonliable) governments. If one is not held personally liable for one's debts, however, the debt load will rise, and present government consumption will be expanded at the expense of future government consumption. In order to repay a rising public debt, the level of future taxes (or monetary inflation) imposed on a future public will have to increase. And with the expectation of a higher future-tax burden, the nongovernment public also becomes affected by the incubus of rising time-preference degrees, for with higher future-tax rates, present consumption and short-term investment are rendered relatively more attractive as compared to saving and long-term investment.

这些互相关联的因素——政府“公有”制、加上可以自由进入政府——组合在一起，意味深长地改变了政府在内外事务方面的行为。从内部看，政府可能会表现出增加负债的趋势。虽然国王也决不会反对负债，但他受到一种“自然倾向”，那就是，政府的私人所有者——他和他的继承人，被认为负有偿还所有政府债务的个人责任（他可能真心地破产，也可能被债权人清算政府资产）。与此形成鲜明对比的是，总统制政府的看管人对其任内的负债不承担个人责任。更确切地说，他的负债被认为是“公共”负债，由未来（同样不担责的）政府偿还。然而，如果某人对其债务不承担个人责任，负债就会增加，现政府的消费扩张就会以牺牲未来政府的消费为代价。为了支付与日俱增的公共债务，未来公众的未来税收（或通货膨胀）将不得不增加。随着预期未来会有高税负，非政府公众成员也受到时间偏好率升高的压力影响，因为随着未来税率抬高，与储蓄和长期投资相比，当前收入和短期投资就会相对更有吸引力。
Likewise, and directly related, the monarchical world was generally characterized by the existence of a commodity money—typically gold or silver—and with the establishment of a single, integrated world market in the course of the seventeenth and eighteenth centuries, by an international gold standard. A commodity money standard makes it difficult for a government to inflate the money supply. By monopolizing the mint and engaging in systematic "coin clipping" (currency depreciation), kings did their best to enrich themselves at the expense of the public. But as much as they tried, they did not succeed in establishing monopolies of pure fiat currencies: of irredeemable national paper monies that can be created virtually out of thin air, at practically no cost. No particular individual, not even a king, could be trusted with an extraordinary monopoly such as this! It was only under conditions of democratic republicanism in the aftermath of World War I that the gold standard was abolished and at long last replaced with a worldwide system of irredeemable national paper monies in 1971. Since then, the supply of money and credit has increased dramatically. A seemingly permanent "secular" tendency toward inflation and currency depreciation has come into existence. Government deficit financing has turned into a mere banking technicality, and interest rates—as an indicator of the social rate of time preference—which had continuously declined for centuries and by the end of the nineteenth century had fallen to around 2 percent, have since exhibited a systematic upward tendency.

More importantly still, the government’s conduct as the monopolist of law and order will undergo a systematic change. As explained above, a king will want to enforce the preexisting private property law, and notwithstanding his own exceptional status vis-a-vis some of its key provisions, he, too, will assume and accept private-property

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38 *coin clipping*, 字面直译为“剪切硬币”，即指减少铸币的分量，进行实质性的货币贬值。

39 指布雷顿森林体系解体后的美元体系。
notions for himself and his possessions (at least insofar as international king-to-king relations are concerned). He does not create new law but merely occupies a privileged position within an existing, all-encompassing system of private law. In contrast, with a "publicly" owned and administered government a new type of "law" emerges: "public" law, which exempts government agents from personal liability and withholds "publicly owned" resources from economic management. With the establishment of "public law" (including constitutional and administrative law) not merely as law but as a "higher" law, a gradual erosion of private law ensues; that is, there is an increasing subordination and displacement of private law by and through public law.

更重要的是，作为法律与秩序的垄断者，政府行为发生了系统性的变化。如上所述，国王会希望执行先前存在的“私有财产法律”，尽管他把自己排除在其中一些关键条款之外，但（至少在国际上的王室之间关系方面），他也会为了自己及其财产，主张并接受私有财产概念。他不创造新的法律，只是纯粹地在既存的包罗一切的私法体系中占据特权地位。相反，随着“公共”拥有并管理政府的现象出现，一种新的“法律”类型出现了：“公共”法律，这种法律免除了政府代理人的个人责任，并从经济管理中保留“公共”资源。随着“公法”（包括宪法和行政法）——不只是作为法律，而且作为一种“上位”法——的建立，私法随之逐渐受到侵蚀；也就是说，越来越多的私法从属于公法或被公法所取代。

48 原注：事实上，尽管受到文艺复兴和法国大革命的破坏，在整个君主制时代，国王与其臣民之间盛行的观念是被一种单一的、普遍的法律的统治——“一种先于主权规则并与之共存的规则，这些规则是不成文的和固定的”（德·儒弗内尔《主权》第193页）。法律被认为是人们发现的，且认为是永恒的“天赋”（given）之物，而不是人们“制定”的东西。人们认为“法律不能被立法（legislated），只能适用那些一直存在的东西”（伯恩哈德·雷费尔德《权利的根源（Die Wurzeln des Rechts）》[Berlin: 1951], p. 67）。事实上，阿尔伯特·V·戴西（Albert V. Dicey）（《19世纪英国法律与舆论关系讲座[Lectures on the Relation Between Law and Public Opinion in England During the Nineteenth Century]》[London: Macmillan, 1903]仍然认为，直到20世纪初，对大不列颠来说，与私法不同的公共或行政法律并不存在：政府机构与私人的关系，仍然被认为是同样的规则约束，并像私人一样遵从同样的法律。只是在一战后的民主共和国下，政府机构才又“豁免”于私法条款之外。最重要的社会主义法学家阿历山大·拉德布鲁赫（Gustav Radbruch）的观点被普遍接受——即对于个人主义的公法秩序来说，国家（the state）只是围绕私法和私有财产的狭隘保护地带，相反，对于社会化的（民主共和）法律秩序来说，私法被视为只是临时性和和持续缩减的私人倡议权（private initiative），它只是暂时不在公法的总揽一切的范围之内。（《人权（DerMensch imRecht）》）[Gottingen: Vandenhoeck, 1957], 第 40 页）

同时，在我们这个时代，我们习惯于由立法者的主权来修改我们的权利。房东不再为被迫留下房客而感到惊讶；雇主同样习惯于在权力法令的摆布下提高雇员的工资。如今，们都明白，我们的主观权利是不稳定的，权力机构高兴怎么做就怎么做。（德·儒弗内尔《主权》第189页）

Rather than upholding private law among the nongovernment public and exploiting its legal monopoly solely for the purpose of redistributing wealth and income from civil society onto itself, a government "ruled" by public law will also employ its power increasingly for the purpose of legislation, i.e., for the creation of new, "positive" civil law, with the intent of redistributing wealth and income *within* civil society. For as a government's caretaker (not owner) it is of little or no concern that any such redistribution can only reduce future productivity. Confronted with popular elections and free entry into government, however, the advocacy and adoption of redistributive policies is predestined to become the very prerequisite for anyone wanting to attain or retain a government caretaker position. Accordingly, rather than representing a "consumption state" (as the typical monarchy does), with public government ownership, complementing and reinforcing the overall tendency toward rising taxes (and/or inflation), government employment and debt, the state will become increasingly transformed into a "welfare state." And contrary to its typical portrayal as a "progressive" development, with this transformation the virus of rising degrees of time preference will be planted in the midst of civil society, and a self-accelerating process of decivilization will be set in motion.

与维持非政府公众中的私法，和为了使财富与收入的分配从民间社会倾向于自己面运用立法垄断相反，受公共法律“统治”的政府还会越来越多地运用其权力来立法——亦即创造新的，“实在”的民法（"positive" civil law），“目的是在民间社会内部重新分配财富和收入。因为作为政府的看管人（而非所有者），它很少或根本不关心“这样的再分配只可能削减未来生产力”的问题。然而，对任何一个想获得或者保留自己政府看管人职位的人来说，面临大众选举和可自由进入政府的机会，主张或采用再分配政策注定会成为其政见之前提。因此，在政府归公制下，随着税收（和/或通货膨胀）、政府职位和债务增加的总趋势不断补充和强化，国家会越来越成为“福利国家（welfare state）”而非“消费国家（consumption state）”（像通常的君主制国家那样）。与通常被描述为“进步主义”的发展相
反，随着这种转变，“时间偏好程度不断上升”这个病毒会融入民间社会中，一个自我加速的反文明进程将启动。41

The legislatively-enacted redistribution of income and wealth within civil society can essentially take on three forms. It can take the form of simple transfer payments, in which income and/or wealth is taken from Peter (the "haves") and doled out to Paul (the "have-nots"). It can take the form of "free" or below-cost provision of goods and services (such as education, health care, or infrastructure) by government, in which income and/or wealth is confiscated from one group of individuals—the taxpayers—and handed out to another, nonidentical one—the users of the respective goods and services. Or it can take the form of business and/or consumer regulations or "protection laws" (such as price controls, tariffs, or licensing requirements), whereby the wealth of the members of one group of businessmen or consumers is increased at the expense of a corresponding loss for those of another "competing" group (by imposing legal restrictions on the use which the latter are permitted to make of their private properties).

民间社会内立法进行的（立法性地）收入与财富再分配，基本上可以采取三种形式。简单的转移支付形式，即可以从彼得（“富人”）那里获得收入和/或财富，然后分给保罗（“穷人”）；政府“免费”或低成本提供商品或服务（如教育、保健或基础设施），从一个群体（纳税人）那里征收收入和/或财富，然后转给另一群身份不重合（非同类）的人——即商品和服务的各个使用者；以及实业和/或消费者管制及“保护性法律”（例如价格控制、关税或许可证制度），即某群实业家或消费者财富之增加，以另一群“竞争性”群体的相应损失（通过法律限制后者对其私有财产之利用）为代价。

Regardless of its specific form, however, any such redistribution has a two-fold effect on civil society. First, the mere act of legislating—of democratic lawmaking—increases the degree of uncertainty. Rather than being immutable and hence predictable, law becomes increasingly flexible and unpredictable. What is right and wrong today may not be so tomorrow. The future is thus rendered more haphazard. Consequently, all-around time-preference degrees will rise, consumption and shortterm orientation will be stimulated, and at the same time the respect for all laws will be systematically undermined and crime promoted (for if there is no immutable standard of "right, " then there is also no firm definition of "crime").

However, whatever its specific form may be, any such redistribution would have a double effect on civil society. First, the mere act of legislating—of democratic lawmaking—increases the degree of uncertainty. Rather than being immutable and hence predictable, laws become increasingly flexible and unpredictable. What is right and wrong today may not be so tomorrow. The future is thus rendered more haphazard. Consequently, all-around time-preference degrees will rise, consumption and shortterm orientation will be stimulated, and at the same time the respect for all laws will be systematically undermined and crime promoted (for if there is no immutable standard of "right, " then there is also no firm definition of "crime").


虽然高时间偏好绝不等同于犯罪——它也可能表现为个人冲动、冷漠、粗鲁、不可靠或不值得信任等完全合法的形式——它们之间仍然存在着一种系统性的关系，因为为了赚取市场收入，必须有最低限度的计划、耐心、牺牲是必须的，一个人必须先工作一段时间，然后才能得到报酬。相反，特定的犯罪活动，如谋杀、袭击、强奸、抢劫、盗窃和入室行窃，则不需要这样的纪律：对侵犯者的奖励是有形的和即时的，但牺牲——可能的惩罚是在未来，而且是不确定的。因此，如果社会时间偏好程度增加，可以预计，侵犯性行为的频率会上升。正如班菲尔德（Banfield）解释的那样：

法律掌控的惩罚之威胁，不可能阻止当下取向的人。他期望从非法行动中所得收益非常接近于当下，而他可能受到的惩罚——在他被抓获和受罚的事件中——对他来说，可能太过遥远而不必考虑范围之内。对一个正常人来说，除了法律惩罚之外，还有其他风险：耻辱、失去工作、如果入狱妻儿会生活艰难等等。当下取向的人没有这些风险。在他的圈子里，大家理所当然认为，人们总会时不时被条子“找麻烦”；他不需要担心失业，因为他总是打短工甚至根本不工作；而对他的妻儿来说，他对其支持少得可怜，没有他，他们可能活得更好。《重访罪恶之都 (The Unheavenly City Revisited)》，第140-141页。
Second, any income or wealth redistribution within civil society implies that the recipients are made economically better off without having produced either more or better goods or services, while others are made worse off without their having produced quantitatively or qualitatively less. Not producing, not producing anything worthwhile, or not correctly predicting the future and the future exchange-demand for one's products thus becomes relatively more attractive (or less prohibitive) as compared to producing something of value and predicting the future exchange-demand correctly. Consequently—and regardless of the specific legislative intent, be it to "help" or "protect" the poor, the unemployed, the sick, the young or the old, the uneducated or the stupid, the farmers, steelworkers or truckers, the uninsured, the homeless, whites or blacks, the married or unmarried, those with children or those without, etc., —there will be more people producing less and displaying poor foresight, and fewer people producing more and predicting well. For if individuals possess even the slightest control over the criteria that "entitle" a person to be either on the receiving or on the "giving" end of the redistribution, they increasingly will shift out of the latter roles and into the former. There will be more poor, unemployed, uninsured, uncompetitive, homeless, and so on, than otherwise. Even if such a shift is not possible, as in the case of sex-, race-, or age-based income or wealth redistribution, the incentive to be productive and farsighted will still be reduced. There may not be more men or women, or whites or blacks, at least not immediately. However, because the members of the privileged sex, race, or age group are awarded an unearned income, they have less of an incentive to earn one in the future, and because the members of the discriminated sex, race, or age group are punished for possessing wealth or having produced an income, they, too, will be less productive in the future. In any case, there will be less productive activity, self-reliance and future-orientation, and more consumption, parasitism, dependency and shortsightedness. That is, the very problem that the redistribution was supposed to cure will have grown even bigger. Accordingly, the cost of maintaining the existing level of welfare distribution will be higher now than before, and in order to finance it, even higher taxes and more wealth confiscation must be imposed on the remaining producers. The tendency to shift from production to nonproduction activities will...
be further strengthened, leading to continuously rising time-preference rates and a progressive decivilization—infantilization and demoralization—of civil society.\(^{12}\)

Second,民间社会中任何收入与财富的再分配都意味着，在没有生产更多更好的财货与服务的情况下，受惠者经济状况转好了，而其他人则在其生产数量和质量都没有下降的情况下，经济状况变得更糟了。因此，与生产有价值的东西或正确地预判未来的交易需求相比，不去为其产品正确地预判未来和未来交易需求、不去生产出任何有价值的东西或者干脆不生产，变得相对越来越吸引人（或不那么令人望而却步）。因此，不管立法的意图是什么，无论其意图是“帮助”还是“保护”穷人、失业者、病人、年轻人或小孩、没有受过教育的或者愚笨的人、农民、钢铁工人或卡车司机、无保险者、无家可归者、白人或黑人、结了婚或没结婚的人、有孩子或没孩子的人等等，都会有越来越多的人减少生产而又增加生产和更有远见的人会越来越少。因为如果对“有权”成为再分配的“所得”端的标准，个体拥有哪怕是最微小的控制力，他们都会越来越愿意从后一种角色（增产和远见）转变为前一种角色（减产和短视）。会出现更多的穷人、失业者、无保险者、无竞争力者、无家可归者等等。即使在这种转移不可能——比如基于性别、种族、年龄的收入或财富再分配——的情形下，更具生产性和远见的倾向仍然会减弱。可能不会出现更多男人或女人、黑人或白人，至少不会立刻增加，但是，由于性别、种族或年龄特权群体受到非劳动收入的奖赏，他们未来会缺乏挣钱的动力；由于被歧视的性别、种族、年龄群体因拥有财富或获得收入而受到惩罚，他们未来的生产力也会更小。无论哪一种情况下，生产积极性、自力更生和未来取向都会减弱；消费、寄生、依赖性和短视都会增加。也就是说，想通过再分配来诊治的问题，都会变得更加严重。相应地，维持既定水准的福利再分配成本，现在会比以前更高，为了支撑福利再分配，必须对剩余的生产者征更高的税，和进行更多的财富征没。从生产活动向非生产活动转移的趋势会进一步强化，导致民间社会时间偏好率持续提高和逐步陷入反文明化——幼稚化和反道德化。\(^{45}\)

In addition, with public ownership and free entry into a democratic-republican government, the foreign policy changes as well. All governments are expected to be expansionary, as explained above, and there is no reason to assume that a president's expansionary desires will be smaller than a king's. However, while a king may satisfy this desire through marriage, this route is essentially precluded for a president. He does not own

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45 原注：关于政府干预主义的“逻辑”——其反生产性，内在的不稳定性与“进步”特征，见路德维希·冯·米塞斯《干预主义批判 (Critique of Interventionism )》 (New Rochelle, N.Y.: Arlington House, 1977); 另同上，《人的行动》，第 6 篇：“受阻碍的市场经济”。

the government controlled territory; hence, he cannot contractually combine separate territories. And even if he concluded inter-government treaties, these would not possess the status of contracts but constitute at best only temporary pacts or alliances, because as agreements concerning publicly-owned resources, they could be revoked at any time by other future governments. If a democratic ruler and a democratically elected ruling elite want to expand their territory and hence their tax base, then only a military option of conquest and domination is open to them. Hence, the likelihood of war will be significantly increased.

Moreover, not only the likelihood but also the form of war will change. Typically, monarchical wars arise out of disputes over inheritances brought on by a complex network of interdynastic marriages and the irregular but constant extinction of certain dynasties. As violent inheritance disputes, monarchical wars are characterized by territorial objectives. They are not ideologically motivated quarrels but disputes over tangible properties. Moreover, since they are interdynastic property disputes, the public considers war the king's private affair, to be financed and executed with his own money and military forces. Further, as private conflicts between different ruling families the public expects and the kings feel compelled to recognize a clear distinction between combatants and noncombatants and to target their war efforts specifically against each other and their respective private property. As late as the eighteenth century, notes military historian Michael Howard,

进一步说，不仅是战争的可能性，连战争的形式也会发生变化。通常，君主制战争爆发于遗产纠纷，复杂的王室联姻网以及王朝不定期的频繁消失（绝嗣）会导致这些纠纷。作为处理遗产纠纷的暴力手段，君主制战争以领土目标为特征。它们不是意识形态引发的争端，而是针对有形财产的纠纷。再说，既然是王室之间的财产纠纷，公众会认为战争是国王的私人事务，国王应该用他自己的钱和军事力量资助和进行战争。此外，作为不同统治家族之间的私人冲突，公众会期望，国王也会感觉有必要承认战斗人员与非战斗人员之间的明确区别，并且将战争的目标具体锁定为对方家族及各自的私有财产。军事史家米歇尔·霍华德（Michael Howard）指出，

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on the continent commerce, travel, cultural and learned intercourse went on in wartime almost unhindered. The wars were the king's wars. The role of the good citizen was to pay his taxes, and sound political economy dictated that he should be left alone to make the money out of which to pay those taxes. He was required to participate neither in the decision out of which wars arose nor to take part in them once they broke out, unless prompted by a spirit of youthful adventure. These matters were arcana regni, the concern of the sovereign alone.

迟到十八世纪，在欧洲大陆，战时的商业、旅行、文化和学术交流几乎未受阻碍。战争是国王的战争。好市民的角色是支付税收，合理的政治经济状况决定了他会留下来挣钱缴税。除非受到热血青春的冒险精神鼓舞，否则市民既不需要参与决定是否开战，也不需要战事一爆发就亲自参战。这些都是王宫秘事（arcana regni），只有君主才关心。

In fact, writes Guglielmo Ferrero of the eighteenth century,

事实上，十八世纪的古列尔莫·费雷罗（Guglielmo Ferrero）写道：

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47 原注: 迈克尔·霍华德 (Michael Howard) 《欧洲战争史（War in European History）》 (New York: Oxford University Press, 1976)，第 73 页。类似的评论见约翰·F·C·富勒 (John F. C. Fuller) 《战争行为（The Conduct of War）》 (New York: Da Capo Press, 1992)；在《穿越法兰西与意大利的感伤之旅》中，Laurence Sterne 讲述道，七年战争期间 (1756-1763)，市民生活与战争的脱节到了这样彻底的地步——当时，他太急迫地想离开伦敦去巴黎，以至于 “从没有想过我们正在与法国开战”；并且他行至丹佛 (Dover) 时才突然发现自己没带护照。然而，这没有妨碍他的旅行。当他抵达凡尔赛宫时，法国外交部长 Choiseul 公爵送了他一本护照。在 Pans，他受到法国崇拜者的欢呼；在 Frontignac，他受当地英格兰居民的邀请参加了戏剧表演。 （第 22-23 页）
war became limited and circumscribed by a system of precise rules. It was definitely regarded as a kind of single combat between the two armies, the civil population being merely spectators. Pillage, requisitions, and acts of violence against the population were forbidden in the home country as well as in the enemy country. Each army established depots in its rear in carefully chosen towns, shifting them as it moved about; ... Conscription existed only in a rudimentary and sporadic form, ... Soldiers being scarce and hard to find, everything was done to ensure their quality by a long, patient and meticulous training, but as this was costly, it rendered them very valuable, and it was necessary to let as few be killed as possible. Having to economize their men, generals tried to avoid fighting battles. The object of warfare was the execution of skilful maneuvers and not the annihilation of the adversary; a campaign without battles and without loss of life, a victory obtained by a clever combination of movements, was considered the crowning achievement of this art, the ideal pattern of perfection. It was avarice and calculation that made war more humane.... [W]ar became a kind of game between sovereigns. A war was a game with its rules and its stakes—a territory, an inheritance, a throne, a treaty. The loser paid, but a just proportion was always kept between the value of the stake and the risks to be taken, and the parties were always on guard against the kind of obstinacy which makes a player lose his head. They tried to keep the game in hand and to know when to stop.

战争被一整套精确的规则所限制和约束。它显然被认为是两军之间的纯粹战斗，平民百姓只是旁观者。无论在母国还是敌国，都禁止对民众采取掠夺、征用和暴力行动。每支军队都在后方谨慎挑选城镇建立补给点，随着军队的调动而转移；……征兵制只是以原始和零星的形式存在……士兵稀缺难找，需要想尽办法以长期、耐心和细致的训练保证士兵的素质，但这就代价不匪，它使得士兵非常宝贵，必须尽可能减少伤亡。因为不得不节约兵力，将领们尽量避免战斗。战争的目标是执行巧妙的谋略而非消灭对手；一场没有战斗和伤亡的战役，一次聪明的联合穿插带来的胜利，被认为是战争艺术的最高成就和完美的理想模式。正是贪婪和算计使战争更加人性化……战争成为君主间的游戏。战争是有规则与赌注的游戏，赌注就是……

48 此处指不从驻军当地征掠补给，不以战养战。
49 原注：关于这一点，见约翰・F・C・富勒（John F. C. Fuller）《战争行为（The Conduct of War）》第1章第23页。此处，富勒引用Daniel Defoe的话，大意是“五万人军队的一方常常在彼此视线内保持防范，并且整个战役中都用来躲避对方，或者如体面的说法，监视对方，然而进入冬季营地（winter quarters）”；同样，还引用了John Fontesque爵士的观察：迫使敌人消耗自己的补给很重要，迫使对手更多地补给自己更重要，在敌人的领土夺取冬季营地更是重要得多。因此，进入敌国边境，并让敌军团团转，不给它出手的机会，这本身就不是一个不小的成功。（第25页）
In contrast, democratic wars tend to be total wars. In blurring the distinction between the rulers and the ruled, a democratic republic strengthens the identification of the public with a particular state. Indeed, while dynastic rule promotes the identification with one’s own family and community and the development of a "cosmopolitan" outlook and attitude, democratic republicanism inevitably leads to nationalism, i.e., the emotional identification of the public with large, anonymous groups of people, characterized in terms of a common language, history, religion and /or culture and in contradistinction to other, foreign nations. Interstate wars are thus transformed into national wars. Rather than representing "merely" violent dynastic property disputes, which may be "resolved" through acts of territorial occupation, they become battles between different ways of life, which can only be "resolved" through cultural, linguistic, or religious domination and subjugation (or extermination). It becomes more and more difficult for members of the public to remain neutral or to extricate themselves from all personal involvement. Resistance against higher taxes to fund a war is increasingly considered treachery or treason. Conscription becomes the rule, rather than the exception. And with mass armies of cheap and hence easily disposable conscripts fighting for national supremacy (or against national suppression) backed by the economic resources of the entire nation, all distinctions between combatants and noncombatants fall by the wayside, and wars become increasingly brutal.

相比之下，民主制战争趋于全面战争（total wars）。通过模糊统治者与被统治者的界限，民主共和国强化了公众对特定国家的认同。事实上，王朝统治促进了人们对自己的家庭和社区的认同，并促进了
“世界主义”观念和态度，而民主共和主义则不可避免地导致民族主义（nationalism），亦即，对庞大的，自己不认识的群体的情感认同。这种情感认同以“共同的语言、历史、宗教和/或文化”为特征，也以与外国的鲜明对立为特征。国家之间的战争因此转变为民族战争。这种战争意味着不再“只是”激烈的王朝财产纠纷——这种财产纠纷可以通过占领领土的方式得以“解决”——而是成为了不同生活方式之间的战斗，它只能通过文化、语言或宗教的统治和镇压（或者消灭）来“解决”。公众成员越来越难以保持中立，或从席卷全员的战争中脱身。国家之间的战争因此转变为民族战争。彻底资助战争的高税收越来越被认为是叛国资敌。战争成为一种规则而非例外。随着廉价的民众军队和因而容易被支配的义务兵在整个民族的经济资源的支持下为民族霸权（或反对民族压迫）而战，战斗人员与非战斗人员的一切区分都被弃之一旁，战争越来越残酷。

"Once the state ceased to be regarded as 'property' of dynastic princes, " notes Michael Howard, and became instead the instrument of powerful forces dedicated to such abstract concepts as Liberty, or Nationality, or Revolution, which enabled large numbers of the population to see in that state the embodiment of some absolute Good for which no price was too high, no sacrifice too great to pay; then the "temperate and indecisive contests" of the rococo age appeared as absurd anachronisms.


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In distinct contrast to the limited warfare of the *ancien régime*, then, the new era of democratic-republican warfare, which began with the French Revolution and the Napoleonic wars, which is further exhibited during the nineteenth century by the American War of Southern Independence, and which reaches its apex during the twentieth century with World War I and World War II and continues to the present, is the era of total war.

As William A. Orton has summarized it:

52 洛可可时代，指十八世纪。洛可可本意指十八世纪法国凡尔赛宫最早兴起，后来流行于欧洲的艺术风格，与十七世纪的巴洛克风格形成对比。后来也常常以巴洛克时代指称十七世纪，以洛可可时代指称十八世纪。

53 原注：霍华德 (Howard) 《欧洲文明的战争 (War in European Civilization) 》，第 75-76 页【译注：怀疑原文引用错误，似应为前文引用过的《欧洲战争史 (War in European History)》】。另见斐迪南·福煦 (Ferdinand Foch) 元帅【译注：一战时协约国一方的英国元帅】《战争原则 (The Principles of War)》(Chapman and Hall, 1918)。

一个新的纪元开始了，一个民族战争的纪元开始了；因为这些战争注定要将整个民族的资源都投入战斗，战争设定了自己的目标，它不再是为朝廷的利益，不再是征服或者占有一个地方，而是首先捍卫或宣扬哲学观念，其次是捍卫或宣扬独立原则、捍卫或宣扬统一以及捍卫或宣扬各种非现实利益。最后，它将每个人的利益和未来都作为筹码押在这些议题上面。因此，迄今为止尚未全部发挥的万丈激情，是力量的主要因素。（第 30 页）

同样，富勒也总结道：民族精神，也就是民主精神对战争影响深渊（它）让战争变得情绪化，并且因此更加残酷……在十八世纪，战争很大程度上只是国王、朝臣和绅士的占领行动。军队靠补给点生活，他们尽可能不干涉民众，国王从自己的私囊中掏钱养兵，因所费不菲而不情愿地将士兵们扔进人海攻击战术。随着法国大革命爆发，情况发生了变化，无套裤汉主义（sansculottism）取代了朝廷主义（courtiership）【译注：意思是在战争中，不计成本的激进主义取代了审慎节制的朝廷战争模式】，因为军队越来越成为人民的工具，不仅规模越来越大而且越来越残酷。像王室军队与王室作战一样，民族—国家的军队与国民作战。前者服从于（通常是）疯狂躁动的群众；后者服从于（一般地说）神智清醒的国王。这一切都源于法国大革命，它也给世界带来了征兵制——乌合之战（herd warfare），乌合之众与金融和商业的扭结在一起，催生了新的战争领域。因为一旦全民参战，那么整个国家的信用都可以为战争服务。（《战争与西方文明 [War and Western Civilization]》第 26-27 页）

关于征兵制的特别影响，富勒指出：“征兵制改变了战争的基础。过去士兵成本高昂，现在变得廉价；过去战斗能免则免，现在则主动求战；无论损失多重，士兵都可以通过点卯再征迅速弥补……从 1793 年八月（法兰西共和国议会颁布普遍义务兵制）开始，不只是战争越来越难以限制，而且最终在二十世纪四十年代，生命变得如此廉价，以至于对平民的大规模屠杀也成为可接受的战略目标，好像这种屠杀就跟从前的战争中的战斗一样【译注：此处指美国以原子弹轰炸日本城市，成为当时人们认可的行为】。150 年来，征兵制导致世界重返部族时代的野蛮状态。（《战争行为 [Conduct of War]》第 33 和 35 页）
然后，与旧制度下的有限战争形成鲜明对比的是，民主共和主义的新战争时代是全面战争（total war）的新时代。这个新纪元始于法国大革命和拿破仑战争，在十九世纪美国南方独立战争中得到进一步展现，在二十世纪的一战与二战中达到了顶峰，并且一直持续到现在。正如威廉·A·奥尔顿（William A. Orton）的总结：

Nineteenth-century wars were kept within bounds by the tradition, well recognized in international law, that civilian property and business were outside the sphere of combat. Civilian assets were not exposed to arbitrary distraint or permanent seizure, and apart from such territorial and financial stipulations as one state might impose on another, the economic and cultural life of the belligerents was generally allowed to continue pretty much as it had been. Twentieth-century practice has changed all that. During both World Wars limitless lists of contraband coupled with unilateral declarations of maritime law put every sort of commerce in jeopardy, and made waste paper of all precedents. The close of the first war was marked by a determined and successful effort to impair the economic recovery of the principal losers, and to retain certain civilian properties. The second war has seen the extension of that policy to a point at which international law in war has ceased to exist. For years the Government of Germany, so far as its arm could reach, had based a policy of confiscation on a racial theory that had no standing in civil law, international law, nor Christian ethics; and when the war began, that violation of the comity of nations proved contagious. Anglo-American leadership, in both speech and action, launched a crusade that admitted of neither legal nor territorial limits to the exercise of coercion. The concept of neutrality was denounced in both theory and practice. Not only enemy assets and interests, but the assets and interests of any parties whatsoever, even in neutral countries, were exposed to every constraint the belligerent powers could make effective; and the assets and interests of neutral states and their civilians, lodged in belligerent territories or under belligerent control, were subjected to practically the same sort of coercion as those of enemy nationals. Thus "total war" became a sort of war that no civilian community could hope to escape; and "peace loving nations" will draw the obvious inference.
复元和继续扣押私有财产为标志。二战将这种政策扩张到这样的程度，以至于战争国际法被终止存在。那些年，德国政府在其锋所及之处，都以不为民法、国际法和基督教道德所容的种族理论为基础实行征掠政策；战争开始后，这种违背国际礼仪的行为被证明具有传染性。盎格鲁-萨克逊国家的领导人，在演讲和行动中发起了一场“十字军东征”，它的强制实施，既没有得到法律承认，也不受领土限制。中立的概念在理论和实践中都受到谴责。不仅是任何敌人的财产和利益，包括任何一方，甚至是中立国家的财产和利益，只要交战国能够有效执行，一切都受制于它们；中立国家及其国民存放在交战国领土中，或者受交战国控制的财产和利益所受的胁迫，实际上与那些敌国资产与利益所受的胁迫是一样的。因此，“全面战争”成为一种任何民间社群都无法逃避的战争；因此，“全面战争”变成了一种平民社会都无法逃避的战争；“爱好和平的民族”会得出显而易见的结论。\(^54\)

\(^54\) 原注：威廉·A·奥尔顿 (William A. Orton) 《自由传统：对自由的社会和精神条件的研究 (The Liberal Tradition: A Study of the Social and Spiritual Conditions of Freedom)》 (Port Washington, N. Y.: Kennikat Press, 1969)，第 251-252 页。
Retrospective And Prospects

五、回顾与展望

The process of civilization set in motion by individual saving, investment, and the accumulation of durable consumer goods and capital goods—of gradually falling time preferences and an ever widening and lengthening range and horizon of private provisions—may be temporarily upset by crime. But because a person is permitted to defend himself against crime, the existence of criminal activities does not alter the direction of the process. It merely leads to more defense spending and less nondefense spending.

相反，只有在制度化地侵犯财产权利，亦即在有政府的情况下，文明进程的方向性变化——时间偏好率保持不变甚至上升——才可能发生。虽然必须假定所有政府都会有规模内增和领土扩张（政治中心化）的趋势，但并非所有形式的政府的这种努力都能取得同样的成功。如果政府是私人拥有的（在君主统治之下），统治者所面临的激励机制是——保持相对的远见和只进行适度的征税与战争，符合其
自身的利益。文明进程的速度会系统性的慢慢下降。然而，从君主制中产生的反文明力量，可能不会强大到足以克服根本性的，与之抗衡的时间偏好率下降和私人供给范围扩大的趋势。更确切地说，只有当政府属于公众所有（在民主共和的统治下）时，才可以预想政府的反文明影响力，会增强到真正足以阻断文明进程，甚至改变其方向并导致相反的反文明趋势：资本消耗，供给和规划的眼界缩水，社会生活日益幼稚化和残酷化。

Retrospectively, in light of these theoretical conclusions much of modern European and Western history can be rationally reconstructed and understood. In the course of one and a half centuries—beginning with the American and French Revolutions and continuing to the present—Europe, and in its wake the entire western world, has undergone an epochal transformation. Everywhere, monarchical rule and sovereign kings were replaced by democratic-republican rule and sovereign “peoples.”

回望历史，根据这些理论结论，人们可以理性地重构（reconstructed）和理解许多欧洲和西方的现代历史。从美国和法国革命开始一直持续到现在，这一个半世纪的历史进程中，欧洲以及被它唤醒的整个西方世界，已经经历了划时代的转变。[5]在世界各地，君主统治和王权都被民主共和统治和“人民”主权所取代。

The first direct attack by republicanism and popular sovereignty on the monarchical principle was repelled with the military defeat of Napoleon and the restoration of Bourbon rule in France. As a result of the Napoleonic experience, republicanism was widely discredited during much of the nineteenth-century. “Republicanism was still thought to be violent—bellicose in its foreign policy, turbulent in its political workings, unfriendly to the church, and socialistic or at least equalitarian in its view of property and private wealth.”[4] Still, the democratic-republican spirit of the French Revolution left a permanent imprint. From the restoration of the monarchical order in 1815 until the outbreak of World War I in 1914, popular political participation and representation was systematically expanded all across Europe. Everywhere the

franchise was successively widened, and the powers of popularly elected parliaments were gradually increased.\textsuperscript{57}

Nonetheless, although increasingly emasculated, the principle of monarchical government remained dominant until the cataclysmic events of World War I. Before the war only two republics existed in Europe: Switzerland and France. Only four years later, after the United States government had entered the European war and decisively determined its outcome, monarchies had all but disappeared, and Europe had turned to democratic republicanism. With the involvement of the U.S., the war took on a new dimension. Rather than being an old-fashioned territorial dispute, as was the case before 1917, it turned into an ideological war. The U.S. had been founded as a republic, and the democratic principle in particular, inherent in the idea of a republic, had only recently been carried to victory as the result of the violent defeat and devastation of the secessionist Confederacy by the centralist Union government. At the time of World War I, this triumphant ideology of expansionist democratic-republicanism had found its very personification in then-U.S. President Woodrow Wilson. Under Wilson's administration the European war became an ideological mission—to make the world safe for democracy and free of dynastic rulers.\textsuperscript{43} Hence, the defeated Romanovs, Hohenzollerns, and Habsburgs had to abdicate or resign, and Russia, Germany, and Austria became democratic republics with universal—male and female—suffrage and parliamentary governments. Likewise, all of the newly created successor states—Poland, Finland, Estonia, Latvia, Lithuania, Hungary, and Czechoslovakia adopted democratic-republican constitutions, with Yugoslavia as the only exception. In Turkey and Greece, the monarchies were overthrown. And even where monarchies remained in existence, as in Great Britain, Italy, Spain, Belgium, the Netherlands, and the Scandinavian countries, monarchs no longer exercised any governmental power. Everywhere, universal adult suffrage was introduced, and all government power was

\textsuperscript{56}原注：罗伯特·R·帕尔默（Robert R. Palmer）和乔尔·科尔顿（Joel Colton）（Robert R. Palmer and Joel Colton）《现代世界史（A History of the Modern World）》第 606 页。

\textsuperscript{57} 原注：关于这一过程的详细信息，请参阅弗洛拉（Flora）《西欧国家、经济和社会（State, Economy, and Society in Western Europe）》第 3 章。
invested in parliaments and "public" officials. A new era—the democratic-republican age under the aegis of a dominating U.S. government—had begun.

From the perspective of economic theory, the end of World War I can be identified as the point in time at which private-government ownership was completely replaced by public government ownership, and from which a tendency toward rising degrees of social time preference, government growth, and an attending process of decivilization should be expected to have taken off. Indeed, as indicated in detail above, such has been the grand underlying theme of twentieth century Western history. Since 1918, practically all indicators of high or rising time preferences have exhibited a systematic upward tendency: as far as government is concerned, democratic republicanism produced communism (and with this public slavery and government sponsored mass murder even in peacetime), fascism, national socialism and, lastly and most

58 原注：关于美国卷入战争的研究，见富勒《战争行为 (The Conduct of War)》，第 9 章；伍德罗·威尔逊的特别作用，见穆瑞·N·罗斯巴德《一战的 “成就”：权力和知识分子 (World War I as Fulfillment: Power and the Intellectuals)》，载于《自由意志主义期刊 (Journal of Libertarian Studies)》第 9 卷第 1 期 (1989 年)；保罗·戈特弗里德 (Paul Gottfried) 《威尔逊主义：不灭的遗产 (Wilsonianism: The Legacy that Won’t Die)》，载于《自由意志主义期刊 (Journal of Libertarian Studies)》第 9 卷第 2 期 (1990 年)。

59 原注：有趣的是，瑞士共和国是第一个确立 20 岁以上男性普选制度的国家 (1848 年)，也是最后一个将普选权扩大到妇女的国家 (1971 年)。
从经济理论方面来说，一战的结束可以确定为政府私制彻底被政府公制取代的时间节点，从这个时间节点开始，社会时间偏好度和政府扩张度上升的趋势，以及随之而来的反文明进程应该已经启动。事实上，如上所述，这是二十世纪西方历史宏大的深层次的主题。自从 1918 年以来，所有显示时间偏好率偏高或上升的指标，都已经呈现出系统的向上升趋势，只是与政府有关的，由民主共和主义产生的指标，如共产主义（及其公共奴役制和甚至和平时期政府主导的大规模屠杀）、法西斯主义、民族社会主义和最后及最长久的社会民主主义（“自由主义” [liberalism]）。强制兵役几乎普及了，内外战争的频率和残酷性增加了，政治中心化进程发展到前所未有的程度。在国内，民主共和已经导致了永久性地税收、负债和政府岗位持续增加。导致了金本位被破坏，空前的纸币通胀，保护主义和移民控制不断加强。甚至最根本性的私法条款，也已经被不可阻挡的立法与管制洪流腐蚀了。同时，关于民间社会，婚姻和家庭制度已经遭到不断地削弱，子女数量减少了，离婚率、非婚生子女率、单亲家庭、单身和堕胎率增加了。随着收入的增加，储蓄率原地踏步甚至下降，而不是上升。与十九世纪相比，政治精英和知识精英的认知勇气（cognitive prowess），以及公共教育的质量下降了。而犯罪率、结构性失业、福利依赖、寄生、失业、冲动、粗鄙、精神麻痹和享乐主义也增加了。


Ultimately, the course of human history is determined by ideas, whether they are true or false. Just as kings could not exercise their rule unless public opinion accepted their rule as legitimate, so democratic rulers are equally dependent on public opinion to sustain their political power. It is public opinion, therefore, that must change if we are to prevent the process of decivilization from running its full course. And just as monarchy was once accepted as legitimate but is today considered to be an unthinkable solution to the current social crisis, it is not inconceivable that the idea of democratic rule might someday be regarded as morally illegitimate and politically unthinkable. Such a delegitimation is a necessary precondition to avoiding ultimate social catastrophe. It is not government (monarchical or democratic) that is the source of human civilization and social peace but private property, and the recognition and defense of private property rights, contractualism, and individual responsibility.

归根结底，人类历史进程是观念决定的，不管这些观念是对还是错。正如除非公众舆论接受国王的统治并认为它是合法的，否则国王不可能实施统治一样，民主统治者也同样依赖于公共舆论来维持他们的政治权力。因此，如果我们要阻止反文明进程全面展开，就必须改变公共舆论。正如君主制曾经被认为是合法的，而今天则被认为是解决当前社会危机之不可想象的方案一样，民主统治也可能某天被认为是道德上不合法的和政治上不可想象的，这种情况并非不可现象。“对民主合法性的这种否定”（delegitimation）是避免终极社会灾难的必要前提。人类文明和社会和平的根源不是政府（君主制或民主制）而是对私有财产和对私有利权、合约主义和个人责任的认可与捍卫。
On Monarchy, Democracy, and the Idea of Natural Order

第二章 论君主制、民主制与自然秩序观念

THEORY: The Comparative Economics Of Private And Public Government Ownership

一、理论：政府私有制和政府公有制的比较经济学

A government is a territorial monopolist of compulsion—an agency which may engage in continual, institutionalized property rights violations and the exploitation—in the form of expropriation, taxation and regulation—of private property owners. Assuming no more than self-interest on the part of government agents, all governments must be expected to make use of this monopoly and exhibit a tendency toward increased exploitation. However, not every form of government can be expected to be equally successful in this endeavor or to go about it in the same way. Rather, in light of elementary economic theory, the conduct of government and the effects of government policy on civil society can be expected to be systematically different, depending on whether the government apparatus is owned privately or publicly.

政府是一个强制性的领土垄断者，一个可以持续地、制度性地侵犯私有产权，并以税收和管制形式从事剥削私有财产所有者的机构。假定政府代理人只关心自己的利益，可以预计，所有政府都会利用这种垄断并表现出增加剥削的趋势。然而，不是每一种形式的政府都能在这种努力上取得同等程度的成功，或者会以同样的方式来操作。更确切地说，根据基本经济理论，可以预计，政府行为及政府政策对民间社会的影响会出现系统性的不同，这取决于政府机构是私人所有还是公共所有。


2 原注：参见第 1 章，第 3 章和第 13 章。
The defining characteristic of private government ownership is that the expropriated resources and the monopoly privilege of future expropriation are individually owned. The appropriated resources are added to the ruler's private estate and treated as if they were a part of it, and the monopoly privilege of future expropriation is attached as a title to this estate and leads to an instant increase in its present value (‘capitalization’ of monopoly profit). Most importantly, as private owner of the government estate, the ruler is entitled to pass his possessions onto his personal heir; he may sell, rent, or give away part or all of his privileged estate and privately pocket the receipts from the sale or rental; and he may personally employ or dismiss every administrator and employee of his estate.

In contrast, with a publicly owned government the control over the government apparatus lies in the hands of a trustee, or caretaker. The caretaker may use the apparatus to his personal advantage, but he does not own it. He cannot sell government resources and privately pocket the receipts, nor can he pass government possessions onto his personal heir. He owns the current use of government resources, but not their capital value. Moreover, while entrance into the position of a private owner of government is restricted by the owner's personal discretion, entrance into the position of a caretaker-ruler is open. Anyone, in principle, can become the government's caretaker.

相比之下，对于公共所有的政府，政府机构的控制权掌握在受托人或看管者手中。看管者可以利用这些结构谋取私利，但他并不拥有这些机构。他不能出售政府资源或将其收益纳入私囊，也不能将政府财产传给自己的继承人。他拥有政府资源的当前使用权，但是不拥有其资本价值。此外，私人所有的政府职位入口受限于所有者的个人自由裁量权，而看管-统治者（caretaker-ruler）的职位入口是开放的。原则上，任何人都能成为政府看管人。

From these assumptions two central, interrelated predictions can be deduced: (1) A private government owner will tend to have a systematically longer planning horizon, i.e., his degree of time preference will be lower, and accordingly, his degree of economic exploitation will tend to be less than that of a government.
caretaker; and (2), subject to a higher degree of exploitation the nongovernmental public will also be comparatively more present-oriented under a system of publicly-owned government than under a regime of private government ownership.

(1) A private government owner will predictably try to maximize his total wealth; i.e., the present value of his estate and his current income. He will not want to increase his current income at the expense of a more than proportional drop in the present value of his assets, and because acts of current income acquisition invariably have repercussions on present asset values (reflecting the value of all future—expected—asset earnings discounted by the rate of time preference), private ownership in and of itself leads to economic calculation and thus promotes farsightedness. In the case of the private ownership of government, this implies a distinct moderation with respect to the ruler's incentive to exploit his monopoly privilege of expropriation, for acts of expropriation are by their nature parasitic upon prior acts of production on the part of the nongovernmental public. Where nothing has first been produced, nothing can be expropriated; and where everything is expropriated, all future production will come to a shrieking halt. Accordingly, a private government owner will want to avoid exploiting his subjects so heavily, for instance, as to reduce his future earnings potential to such an extent that the present value of his estate actually falls. Instead, in order to preserve or possibly even enhance the value of his personal property, he will systematically restrain himself in his exploitation policies. For the lower the degree of exploitation, the more productive the subject population will be; and the more productive the population, the higher will be the value of the ruler's parasitic monopoly of expropriation. He will use his monopolistic privilege, of course. He will not not exploit. But as the government's private owner, it is in his interest to draw parasitically on a growing, increasingly productive and prosperous nongovernment economy as this would effortlessly also increase his own wealth and prosperity—and the degree of exploitation thus would tend to be low.

(1) 可以推断，政府的私人所有者会试图最大化其总财富，即最大化其产业的现值和当前收入。他 不会 希望以其资产现值的超比例下降为代价，来增加当前收入，而且因为获取当前收入的行动总是会 会对当前资产现值（反映所有未来预期资产收益按时间偏好率折现后的价值）产生负面影响，私人所有权 本身会带来经济计算并因此促进远见。在 政府 私人所有制情形下，这意味着统治者利用其垄断征掠
Moreover, private ownership of government implies moderation and farsightedness for yet another reason. All private property is by definition exclusive property. He who owns property is entitled to exclude everyone else from its use and enjoyment; and he is at liberty to choose with whom, if anyone, he is willing to share in its usage. Typically, he will include his family and exclude all others, except as invited guests or as paid employees or contractors. Only the ruling family—and to a minor extent its friends, employees and business partners—share in the enjoyment of the expropriated resources and can thus lead a parasitic life. Because of these restrictions regarding entrance into government and the exclusive status of the individual ruler and his family, private government ownership stimulates the development of a clear "class consciousness" on the part of the nongovernment public and promotes the opposition and resistance to any expansion of the government's exploitative power. A clear-cut distinction between the (few) rulers on the one hand and the (many) ruled on the other exists, and there is little risk or hope of anyone of either class ever falling or rising from one class to the other. Confronted with an almost insurmountable barrier in the way of upward mobility, the solidarity among the ruled—their mutual identification as actual or potential victims of governmental property rights violations—is strengthened, and the risk to the ruling class of losing its legitimacy as the result of increased exploitation is heightened.

此外，还因为另一个原因，政府私人所有制意味着适度和远见。根据定义，所有私有财产都是排他性财产。拥有财产的人有权不让他人利用和享受财产，如果他想与他人分享他的财产使用权，他可以自由选择对象。通常，他会纳入其家庭成员并排除其他人，除非是他邀请的客人或者有偿雇员和订约者（contractor）。只有统治者家族及小范围的朋友、雇员以及商业伙伴能共享财税收入并过上寄生虫的生活。因为进入政府的这些入口限制和个体统治者及其家庭的专属地位，政府私人所有制刺激了非政府公众形成明确的“阶级意识”，并促进了他们对政府征掠权力的任何扩展的反对和抵制。一方面是（少数）统治者，另一方面是（多数）被统治者，两者之间泾渭分明，任何人想从本阶级跃升到另一阶级都希望渺茫；也几乎不存在从本阶级跌入另一阶级的风险。面对几乎不可逾越的“向上”流动障
In distinct contrast, the caretaker of a publicly owned government will try to maximize not total government wealth (capital values and current income) but current income (regardless, and at the expense, of capital values). Indeed, even if the caretaker wishes to act differently, he cannot, for as public property government resources are unsaleable, and without market prices economic calculation is impossible. Accordingly, it must be regarded as unavoidable that public government ownership will result in continual capital consumption. Instead of maintaining or even enhancing the value of the government estate, as a private owner would tend to do, a government's temporary caretaker will quickly use up as much of the government resources as possible, for what he does not consume now, he may never be able to consume. In particular, a caretaker—as distinct from a government's private owner—has no interest in not ruining his country. For why should he not want to increase his exploitation, if the advantage of a policy of moderation—the resulting higher capital value of the government estate—cannot be reaped privately, while the advantage of the opposite policy of increased exploitation—a higher current income—can be so reaped? To a caretaker, unlike to a private owner, moderation has only disadvantages. 

与此形成鲜明对比的是，公有政府的看管人不会试图使政府的总财富（资本价值和当前收入）最大化，而是会试图最大化政府的当前收入（无视资本价值并以牺牲资本价值为代价）。事实上，即使看管人希望以其他方式行事，他也做不到，因为政府的公共财产资源是不可出售的，而且没有市场价格，经济计算也不可能。因此，我们必须认为政府公共所有制会不可避免地导致持续的资本消耗。私人所有者那样会倾向于维系甚至提高政府产业的价值，与此相反，政府的临时看管人会尽可能更快地用尽政府资源，因为如果他现在不消费，就再没有可能消费。尤其是，与政府的私人所有者明显不同，摧毁国家不会有损看管人的利益。如果“适度”政策的好处——会带来更高的政府产业的资本价值——不能私自收割，而相反的加大剥削的政策之利益——更高的当前收入——能纳入私囊，那总统为什么不增加剥削力度呢？看管人不像私人所有者，对他来说，“适度”只会带来不利。 

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3 原注：见《论权力及其增长的自然历史（On Power: The Natural History of its Growth）》（New York: Viking, 1949）, 特别是第9-10页。

4 原注：见《权力与市场（Power and Market）》, 第188-89页;也可参见《管理英国下议院（Managing the Commons）》, 格拉特•哈定（Garret Hardin）和约翰•巴登（John Baden）主编（San Francisco: W. H. Freeman, 1977）; 以及曼瑟尔•奥尔森（Mancur Olson）《独裁，民主和发展（Dictatorship, Democracy, and Development）》, 载于《美国政治科学评论（American Political Science Review）》第87卷第3期 (1993)。
In addition, with a publicly owned government anyone in principle can become a member of the ruling class or even the supreme power. The distinction between the rulers and the ruled as well as the class consciousness of the ruled become blurred. The illusion even arises that the distinction no longer exists: that with a public government no one is ruled by anyone, but everyone instead rules himself. Accordingly, public resistance against government power is systematically weakened. While exploitation and expropriation before might have appeared plainly oppressive and evil to the public, they seem much less so, mankind being what it is, once anyone may freely enter the ranks of those who are at the receiving end. Consequently, not only will exploitation increase, whether openly in the form of higher taxes or discretely as increased governmental money "creation" (inflation) or legislative regulation. Likewise, the number of government employees ("public servants") will rise absolutely as well as relatively to private employment, in particular attracting and promoting individuals with high degrees of time preference, and limited farsightedness.

此外，在公有制政府中，原则上任何人都可能成为统治阶级，甚至最高权力机构之一员。统治者与被统治者的区别，以及被统治者的阶级意识变得不那么清楚了。人们甚至产生了这样的错觉，这种区别已经不存在：公有政府中没有人被任何人统治，相反，每个人都统治着自己。因此，公众对政府权力的系统性抵抗被削弱了。虽然此前的征税和剥削对公众来说显然是压迫和邪恶，但是，一旦任何人都可以自由地进入受惠端行列，它们似乎就远远不是那么回事了，人类就是这个样子。紧接着，不仅剥削会增加——无论是公开以高税收的形式还是间接地以增加政府货币“信用”（通货膨胀）的形式，抑或以立法管制的形式，剥削都会增加，而且同样地，政府雇员（“公务员”）的数量相对于私人就业就会出现绝对性的上升，这尤其会吸引时间偏好度高和远见度受限的个体，并且改善他们的处境。

(2) In contrast to the right of self-defense in the event of a criminal attack, the victim of government violations of private property rights may not legitimately defend himself against such violations.

(2)与遭遇犯罪性攻击时拥有自卫权利相比，政府对私有财产权的侵犯行为的受害者可能无法合法地捍卫自己免受政府侵犯。5

The imposition of a government tax on property or income violates a property owner's and income producer's rights as much as theft does. In both cases the owner-producer's supply of goods is diminished against his will and without his consent. Government money or "liquidity" creation involves no less a fraudulent

5 原注：除上述注94中引用的作品外，见莱桑德·斯普纳（Lysander Spooner）《不存在叛国：宪法没有权威（No Treason: The Constitution of No Authority）》（Larkspur, Colo:Pine Tree Press, 1966），第17页。
expropriation of private property owners than the operations of a criminal counterfeiting gang. As well, any government regulation as to what an owner may or may not do with his property—beyond the rule that no one may physically damage the property of others and that all exchange and trade be voluntary and contractual—implies the “taking” of somebody's property, on a par with acts of extortion, robbery, or destruction. But taxation, the government's provision for liquidity, and government regulations, unlike their criminal equivalents, are considered legitimate, and the victim of government interference, unlike the victim of a crime, is not entitled to physically defend and protect his property.

对财产或收入征收政府税与小偷一样，侵犯了财产所有者和收入生产者的权利。这两种情形，都是违背私人生产者（owner-producer）意愿并未经其同意，就减少了他们的财货供给。政府货币或“流动性”创造与制假犯罪团伙一样，都是对私有财产所有者的欺诈性掠夺。同时，除了“任何人不得物理损害他人财产和所有交换和贸易必须基于自愿与合约”的规则之外，任何“针对所有者可以或不可以处理其财产”的政府管制都意味着“拿走”某人的财产，这与勒索、抢劫和破坏行动是一样的。但是，与相应的犯罪行为不同，税收、政府提供的流动性和政府管制被认为是合法的，政府干预的受害者，也与犯罪行为的受害者不同，他们无权对自己的财产进行物理防卫和保护。

Owing to their legitimacy, then, government violations of property rights affect individual time preferences in a systematically different and much more profound way than does crime. Like crime, all government interference with private property rights reduces someone's supply of present goods and thus raises his effective time preference rate. However, government offenses—unlike crime—simultaneously raise the time preference degree of actual and potential victims because they also imply a reduction in the supply of future goods (a reduced rate of return on investment). Crime, because it is illegitimate, occurs only intermittently—the robber disappears from the scene with his loot and leaves his victim alone. Thus, crime can be dealt with by increasing one's demand for protective goods and services (relative to that for nonprotection goods) so as to restore or even increase one's future rate of investment return and make it less likely that the same or a different robber will succeed a second time. In contrast, because they are legitimate, governmental property rights violations are continual. The offender does not disappear into hiding but stays around, and the victim does not arm himself but must (at least he is generally expected to) remain defenseless. The actual and potential victims of government property rights violations—as demonstrated by their continued defenselessness vis-à-vis their offenders—respond by associating a permanently higher risk with all future production and systematically adjusting their expectations concerning the rate of return on all future investment downward. By simultaneously reducing the supply of present and expected future goods, governmental property rights violations not only raise time preference rates (with given schedules) but also time preference schedules. Because owner-producers are (and see themselves as) defenseless against future victimization by government agents, their expected rate of return on productive, future-oriented actions is reduced all-around, and accordingly, all actual and potential victims become more present-oriented.
然后，由于其合法性，政府侵犯财产权对个人时间偏好的影响不同于犯罪的影响，它是系统性的，其程度也比后者深远。像犯罪一样，政府干预私有产权减少了当前财货供给，因此抬高了它的实际时间偏好率。然而，与犯罪不同，政府的侵犯同时提升了实际和潜在受害者的时间偏好程度，因为它也意味着未来财货供给的减少（投资的未来回报率减少了）。犯罪，因为是不合法的，只会（断续地）出现劫匪扔下受害者，卷走赃物然后从现场消失的情景。因此，人们可以通过增加防卫性财货和服务（相对于非防卫性财货）的需求，恢复甚至增加人们的未来投资回报率，以及减少同一或不同劫匪二次成功加害的可能性来对待犯罪问题。相反，因为具有合法性，政府对私有财产的侵犯是持续的。侵犯者不会消失和藏匿，而是一直在人们身边晃荡，而受害者不能“武装”自己；而必须（至少是被普遍预期地）保持手无寸铁的状态。政府财产权侵犯行为的实际和潜在受害者——手无寸铁地面对侵陵者已经证明他们是实际和潜在的受害者——的回击，是将未来的高风险与所有未来生产联系起来，并系统性地调低所有未来投资的预期回报率。通过同时减少当前和未来预期财货的供给，政府对财产权的侵犯不仅提高了（给定的时间偏好表下的）时间偏好率，也提高了时间偏好率。因为面对政府机构的未来伤害，私人生产者是（并认为自己是）没有抵抗力的，所以他们在生产上的、面向未来的行动的预期回报率全面降低，因此，所有实际和潜在的受害者就变得更加强烈注重当下。６

Moreover, because the degree of exploitation is comparatively higher under a publicly owned government, this tendency toward present-orientation will be significantly more pronounced if the government is publicly owned than if it is owned privately. ⁷

此外，因为公有政府下剥削程度相对更高，所以，与政府私人所有情形相比，政府公有情况下，注重当下的趋势会表现更加明显。⁷


7 原注：另见第1章，第3章和第13章。
Hereditary monarchies represent the historical example of privately owned governments, and democratic republics that of publicly owned governments.

Throughout most of its history, mankind, insofar as it was subject to any government control at all, was under monarchical rule. There were exceptions: Athenian democracy, Rome during its republican era until 31 B.C., the republics of Venice, Florence, and Genoa during the Renaissance period, the Swiss cantons since 1291, the United Provinces from 1648 until 1673, and England under Cromwell from 1649 until 1660. Yet these were rare occurrences in a world dominated by monarchies. With the exception of Switzerland, they were short-lived phenomena. Constrained by monarchical surroundings, all older republics satisfied the open entry condition of public property only imperfectly, for while a republican form of government implies by definition that the government is not privately but publicly owned, and a republic can thus be expected to possess an inherent tendency toward the adoption of universal suffrage, in all of the earlier republics, entry into government was limited to relatively small groups of "nobles."

翻遍人类历史，大部分情形下，只要是人类臣服于政府控制，那么都是处于君主制统治之下。但也有例外：雅典民主制，共和纪元到公元前 31 年的罗马，文艺复兴时期的威尼斯、佛罗伦萨和热那亚共和国，1291 年以来的瑞士各州，1648-1673 年的尼德兰联合省（the United Provinces），1649-1660 年克伦威尔治下的英格兰。然而，这些都是君主制主导的世界中的鲜见例外。除了瑞士，其他都是短暂现象。受制于君主制环境，所有古老的共和国都不完全满足公共财产的开放性进入条件，因为虽然根据定义，共和政府意味着政府不是私人所有而是公有所有，因此可以料想，共和制具备采取普选的内在趋势，但是，在这些古老的共和国中，进入政府的入口都被限制在一个相对较小的“贵族”群体的范围之内。

注 ⑧ 中文历史著作中一般译为尼德兰联邦，它是荷兰的前身。
With the end of World War I, mankind truly left the monarchical age\(^9\) in the course of one and a half centuries since the French Revolution, Europe, and in its wake the entire world, have undergone a fundamental transformation. Everywhere, monarchical rule and sovereign kings were replaced by democratic-republican rule and sovereign “peoples.”

随着一战结束，人类真正地离开了君主制时代。\(^9\) 法国大革命之后的一个半世纪中，欧洲及被欧洲唤醒的整个世界，都发生了根本性的转变。在世界各地，君主统治和王权都被民主-共和统治和 “人民” 主权所取代。

The first assault of republicanism and the idea of popular sovereignty on the dominating monarchical principle was repelled with the military defeat of Napoleon and the restoration of Bourbon rule in France; and as a result of the revolutionary terror and the Napoleonic wars, republicanism was widely discredited for much of the nineteenth century. However, the democratic-republican spirit of the French Revolution left a permanent imprint. From the restoration of the monarchical order in 1815 until the outbreak of World War I in 1914, all across Europe popular political participation and representation was systematically expanded. The franchise was successively widened and the powers of popularly elected parliaments increased everywhere.\(^2\)

共和主义和人民主权观念对占主导地位的君主制原则的第一次攻击，随着拿破仑的军事失败和波旁王朝在法国的复辟被击退，十九世纪大部分时间里，因为革命恐怖和拿破仑战争，共和主义普遍丧失了信誉。然而，法国大革命的民主共和精神仍然留下了不可磨灭的印记。从 1815 年君主秩序复辟到 1914 年一战爆发，民众的政治参与和政治代议系统性地扩散了。各地的普选权都相继扩大，民选议会的权力逐渐增加。\(^10\)

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From 1815 to 1830, the right to vote in France was still severely restricted under the restored Bourbons. Out of a population of some 30 million, the electorate included only France's very largest property owners—about 100,000 people (less than one-half of one percent of the population above the age of twenty). As a result of the July Revolution of 1830, the abdication of Charles X and the coronation of the Duke of Orleans, Louis Philippe, the number of voters increased to about 200,000. As a result of the revolutionary upheavals of 1848, France again turned republican, and universal and unrestricted suffrage for all male citizens above the age of twenty-one was introduced. Napoleon III was elected by nearly 5.5 million votes out of an electorate of more than 8 million.

在英国，1815 年以后，有选举权的人包括了大约 50 万富裕的财产所有者（约占 20 岁以上人口的 4%）。1832 年改革法案降低了财产所有者的门槛，并将选举权扩大到大约 80 万人。下一次扩展是 1867 年第二次改革法案，选民人数从大约 100 万扩大到 200 万。1884 年财产限制进一步放宽，有选举权的人增加到大约 600 万（几乎占 20 岁以上人口的三分之一，占所有成年男性的四分之三以上）。

In Prussia, as the most important of the thirty-nine independent German states recognized after the Vienna Congress, democratization set in with the revolution of 1848 and the constitution of 1850. The lower chamber of the Prussian parliament was hence elected by universal male suffrage. However, until 1918 the electorate remained stratified into three estates with different voting powers. For example, the wealthiest people—those who contributed a third of all taxes—elected a third of the members of the lower house. In 1867 the North German Confederation, including Prussia and twenty-one other German states, was founded.
Its constitution provided for universal unrestricted suffrage for all males above the age of twenty-five. In 1871, after the victory over Napoleon III, the constitution of the North German Confederation was essentially adopted by the newly founded German Empire. Out of a total population of around 35 million, nearly 8 million people (or about a third of the population over twenty) elected the first German Reichstag.

In 1867, after Italy's political unification under the leadership of the Kingdom of Sardinia and Piedmont in 1861, there were about 500,000 people out of a population of some 25 million (about 3.5 percent of the population above age twenty). In 1882, the property requirements were relaxed, and the minimum voting age was lowered from twenty-five to twenty-one years. As a result, the Italian electorate increased to more than 2 million. In 1913, almost universal and unrestricted suffrage for all males above thirty and minimally restricted suffrage for males above twenty-one was introduced, raising the number of Italian voters to more than 8 million (more than 40 percent of the population above twenty).

In Austria, restricted and unequal male suffrage was introduced in 1873. The electorate, composed of four classes or curiae of unequal voting powers, totaled 1.2 million voters out of a population of about 20 million (10 percent of the population above twenty). In 1867 a fifth curia was added. Forty years later the curia system was abolished, and universal and equal suffrage for males above age twenty-four was adopted, bringing the number of voters close to 6 million (almost 40 percent of the population above twenty).
1873 年奥地利推行了有限制的和不平等的男性普选。有选举权的人由持不平等的投票权重的阶级或库利亚（curiae）成员组成，在大约 2000 万人口中总共有 120 万选民（占 20 岁以上人口的 10%）。1867 年增加了第五个库利亚。40 年后，库利亚制度被废除，24 岁以上男性获得了普遍和平等的选举权，使选民人数接近 600 万（几乎占 20 岁以上人口的 40%）。

Russia had elected provincial and district councils—zemstvos—since 1864; and in 1905, as a fallout of its lost war against Japan, it created a parliament—the Duma—which was elected by near universal, although indirect and unequal, male suffrage. As for Europe's minor powers, universal or almost universal and equal male suffrage has existed in Switzerland since 1848, and was adopted between 1890 and 1910 in Belgium, the Netherlands, Norway, Sweden, Spain, Greece, Bulgaria, Serbia, and Turkey.

自 1864 年开始，俄国已经选出了省和地区议会——地方自治会（zemstvos）；1905 年，作为对日战争失败的后果，俄国创建了议会——杜马（Duma）——它几乎由男性普选产生，尽管是间接的和不平等的。作为欧洲小国，从 1848 年起，瑞士就有了普遍的或几乎普遍平等的男性选举权，1890-1910 年，比利时、荷兰、挪威、瑞典、西班牙、希腊、保加利亚、塞尔维亚和土耳其也推行了几乎是普遍平等的男性普选权。

Although increasingly emasculated, the monarchical principle dominated until the cataclysmic events of World War I. Before 1914, only two republics existed in Europe—France and Switzerland. And of all major European monarchies, only the United Kingdom could be classified as a parliamentary system; that is, one in which supreme power was vested in an elected parliament. Only four years later, after the United States—where the democratic principle implied in the idea of a republic had only recently been carried to victory as a result of the destruction of the secessionist Confederacy by the centralist Union government—had entered the European war and decisively determined its outcome, monarchies had all but disappeared, and Europe turned to democratic republicanism.

尽管君主制原则遭到不断削弱，直到一战的灾难性事件发生，该原则还是一直占据主导。1914 年之前，欧洲只存在两个共和国家——法兰西和瑞士。所有欧洲的主要君主国，只有英国可以被归为议会制度，也就是说，最高权力被赋予选举产生的议会。仅仅过了四年，美国参与欧洲战争并对战争结果一锤定音

11 Curiae, 库利亚，中世纪历史名词，最早指罗马时代的天主教堂，也用来指罗马时代的参议院，在中世纪指国王召集的议事法庭或者中世纪欧洲大陆国家的议会。在哈布斯堡－奥利地，库利亚指有权参与选举国王召集的议会的群体，他们按照投票权重不同，最早分成四个库利亚。
12 zemstvos，地区自治会，由俄语字母转写的词。
In Europe, the defeated Romanovs, Hohenzollerns, and Habsburgs had to abdicate or resign, and Russia, Germany, and Austria became democratic republics with universal—male and female—suffrage and parliamentary governments. Likewise, all of the newly created successor states—Poland, Finland, Estonia, Latvia, Lithuania, Hungary, and Czechoslovakia (with the sole exception of Yugoslavia)—adopted democratic-republican constitutions. In Turkey and Greece, the monarchies were overthrown. Even where monarchies remained nominally in existence, as in Great Britain, Italy, Spain, Belgium, the Netherlands, and the Scandinavian countries, monarchs no longer exercised any governing power. Universal adult suffrage was introduced, and all government power was invested in parliaments and "public" officials. A new world order—the democratic-republican age under the aegis of a dominating U.S. government—had begun.

在欧洲，战败的罗曼诺夫王朝、霍亨索伦王朝和哈布斯堡王朝不得不逊位或屈服，俄国、德国和奥地利成为实行男女性公民普选和具有议会制政府的民主共和国家。同样，所有新生的后继国家——波兰、芬兰、爱沙尼亚、拉脱维亚、立陶宛、匈牙利和捷克斯洛伐克（除去南斯拉夫这个仅有的例外）——都采用了民主共和制度。在土耳其和希腊，君主制被推翻。甚至在保留了名义上的君主制的地方，如英国、意大利、西班牙、比利时、荷兰和斯堪的纳维亚国家，君主制不再执掌任何政府权力。推行成人普选、将所有政府权力赋予议会和“公共”官员。一种新的世界秩序——由占主导地位的美国政府庇护的民主共和时代——开始了。


有关早期美国的贵族（非民主）特征，见阿克顿勋爵（Lord Acton）《美国革命的政治根源（Political Causes of the American Revolution）》，载于氏著《自由主义历史解释（The Liberal Interpretation of History）》（Chicago: University of Chicago Press, 1967）；另见克里斯·沃尔特曼（Chris Woltermann）《联邦制、民主和人民（Federalism, Democracy and the People）》，载于《终极目的（Telos）》第26卷第1期（1993年）。

有关除南斯拉夫这个仅有的例外，君主制被推翻。甚至在保留了名义上的君主制的地方，如英国、意大利、西班牙、比利时、荷兰和斯堪的纳维亚国家，君主制不再执掌任何政府权力。推行成人普选、将所有政府权力赋予议会和“公共”官员。一种新的世界秩序——由占主导地位的美国政府庇护的民主共和时代——开始了。
民主：失败的上帝 · 君主制、民主制与自然秩序的政治经济学

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Evidence And Illustrations:

Exploitation And Present-orientedness Under Monarchy And Democratic Republicanism

三、证据与说明：君主制与民主共和制下的剥削与当下取向

From the viewpoint of economic theory, the end of World War I can be identified as the point in time at which private government ownership was completely replaced by public government ownership, and whence a systematic tendency toward increased exploitation—government growth—and rising degrees of social time preference—presentorientedness—can be expected to take off. Indeed, such has been the grand, underlying theme of post-World War I Western history: With some forebodings in the last third of the nineteenth century in conjunction with an increased emasculation of the ancien regimes, from 1918 onward practically all indicators of governmental exploitation and of rising time preferences have exhibited a systematic upward tendency.

从经济理论的角度来看，一战的结束可以确定为政府归私制彻底被政府归公制取代的时间节点，从这个时间节点开始，剥削程度（即政府扩张程度）不断增加和社会时间偏好度上升（即更注重当下）的系统性趋势应该已经启动。事实上，这是一战后西方历史宏大的深层次的主题——十九世纪最后三十年时间里，伴随着与旧制度不断削弱有关的不祥预感，从 1918 年开始，几乎所有关于政府剥削和时间偏好上升的指标都呈现出系统性的上升趋势。

Indicators of Exploitation

1. 剥削指标

There is no doubt that the amount of taxes imposed on civil society increased during the monarchical age. However, throughout the entire period, the share of government revenue remained remarkably stable and low.
Economic historian Carlo M. Cipolla concludes,

经济史家卡罗·M·奇波拉（Carlo M. Cipolla）总结道：

All in all, one must admit that the portion of income drawn by the public sector most certainly increased from the eleventh century onward all over Europe, but it is difficult to imagine that, apart from particular times and places, the public power ever managed to draw more than 5 to 8 percent of national income.

说一千道一万，我们都必须承认，从十一世纪开始，整个欧洲公共领域所占收入份额肯定有所增加，但很难想象，除了特点的时间地点，公共权力会设法抽取超过5-8%的国民收入。

And he then goes on to note that this portion was not systematically exceeded until the second half of the nineteenth century.14 In feudal times, observes Bertrand de Jouvenel,

他接着指出，这一部分直到十九世纪下半叶才被系统地超过。14 对封建时代，贝特朗·德·儒弗内尔（Bertrand de Jouvenel）的观察是：

⋯⋯ state expenditures, as we now call them, were thought of... as the king's own expenditures, which he incurred by virtue of his station. When he came into his station, he simultaneously came into an "estate" [in the modern sense of the word]; i.e., he found himself endowed with property rights ensuring an income adequate to "the king's needs." It is somewhat as if

*原注：见汉斯·约阿希姆·肖普斯（Hans Joachim Schoeps）《普鲁士国家历史（Preussen. Geschichte eines Staates）》（Frankfurt/M.：Ullstein，1981）第405页关于英格兰、普鲁士和奥地利的数据。

17原注：卡罗·M·奇波拉（Carlo M. Cipolla）《工业革命前：1000-1700年的欧洲社会和经济（Before the Industrial Revolution: European Society and Economy, 1000–1700）》（NewYork: W.W.Norton，1980），第48页。
In the course of the political centralization during the sixteenth and seventeenth centuries, additional sources of government revenue had been opened up: customs, excise duties, and land taxes. However, up until the mid-nineteenth century of all Western European countries only the United Kingdom, for instance, had an income tax (from 1843 on). France first introduced some form of income tax in 1873, Italy in 1877, Norway in 1892, the Netherlands in 1894, Austria in 1898, Sweden in 1903, the U.S. in 1913, Switzerland in 1916, Denmark and Finland in 1917, Ireland and Belgium in 1922, and Germany in 1924. Yet even at the time of the outbreak of World War I, total government expenditure as a percentage of Gross Domestic Product (GDP) typically had not risen above 10 percent and only rarely, as in the case of Germany, exceeded 15 percent. In striking contrast, with the onset of the democratic republican age, total government expenditures as a percentage of GDP typically increased to 20 to 30 percent in the course of the 1920s and 1930s, and by the mid-1970s had generally reached 50 percent.

在十六世纪和十七世纪的政治中心化过程中，政府开拓了额外的收入来源：关税、货物税和土地税。然而，直到十九世纪中叶，所有西欧国家中只有英国征收所得税（从1843年起）。法国于1873年首次实行某种形式的所得税，意大利是1877年，挪威是1892年，荷兰是1894年，奥地利是1898年，瑞典是1903年，美国是1913年，瑞士是1916年，丹麦和芬兰是1917年，爱尔兰和比利时是1922年。
There is also no doubt that total government employment increased during the monarchical age. But until the very end of the nineteenth century, government employment rarely exceeded 3 percent of the total labor force. Royal ministers and parliamentarians typically did not receive publicly funded salaries but were expected to support themselves out of their private incomes. In contrast, with the advances of the process of democratization, they became salaried officials; and since then government employment has continually increased. In Austria, for instance, government employment as a percentage of the labor force increased from less than 3 percent in 1900 to more than 8 percent in the 1920s and almost 15 percent by the mid-1970s. In France it rose from 3 percent in 1900 to 4 percent in 1920 and about 15 percent in the mid-1970s. In Germany it grew from 5 percent in 1900 to close to 10 percent by the mid-1920s to close to 15 percent in the mid-1970s. In the United Kingdom it increased from less than 3 percent in 1900 to more than 6 percent in the 1920s and again close to 15 percent by the mid-1970s. The trend in Italy and almost everywhere else was similar, and by the mid 1970s only in small Switzerland was government employment still somewhat less than 10 percent of the labor force.

毫无疑问，君主制时代中，政府岗位的总数增加了。但是，直到十九世纪末，政府岗位也很少超过总劳动力的3%。王室大臣和议员通常都不支领公共薪给，而是被认为应该以其私人收入养活自己。相反，随着民主化进程的发展，他们成为有薪官员，从那时起，政府岗位就持续上升。例如，在奥地利，政府岗位占劳动力的百分比就从1900年的不到3%上升到1920年代的超过8%，到1970年代中期则是差不多15%。在法国，从1900年的3%上升到1920年的4%，到1970年代中期则是大约15%。在德国，它从1900年的5%增长到1920年代中期的近10%，到1970年代中期则是接近15%。在英国，从1900年的不到3%上升到1920年代的超过6%，到1970年代又接近15%。在意大利以及差不多任何地方，情况都相似，在1970年代中期，只有小小的瑞士，其政府岗位仍然不到劳动力的10%。

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20 原注：见弗洛拉（Flora）《西欧国家、经济与社会》（State, Economy, and Society in Western Europe）(Frankfurt/M.: Campus, 1983) 第1卷，第258-259页。

21 原注：同上，第8章。可以预见的是，政府支出在战争时期通常会增加。然而，上述模式同样适用于战争时期。例如，英国在拿破仑战争的高峰期，政府支出占国内生产总值的比例攀升至近25%。相比之下，在一战期间，这一比例几乎达到了50%，而在第二次世界大战期间，这个比例上升到了60%以上。见同上，第440-441页。

22 原注：同上，第5章。事实上，目前政府就业占劳动力15%的比例，必须被认为是已经系统地低估了，因为除了排除所有军事人员外，还不包括医院、福利机构、社会保险机构和国有企业的人员。
A similar pattern emerges from an inspection of inflation and data on the money supply. The monarchical world was generally characterized by the existence of a commodity money—typically silver or gold—and at long last, after the establishment of a single integrated world market in the course of the seventeenth and eighteenth centuries, by an international gold standard. A commodity money standard makes it difficult, if not impossible, for a government to inflate the money supply. In monopolizing the mint and engaging in "coin-clipping, " kings did their best to enrich themselves at the expense of the public. There also had been attempts to introduce an irredeemable fiat currency. Indeed, the history of the Bank of England, for instance, from its inception in 1694 onward was one of the periodic suspension of specie payment—in 1696, 1720, 1745, and from 1797 until 1821. But these fiat money experiments, associated in particular with the Bank of Amsterdam, the Bank of England, and John Law and the Banque Royale of France, had been regional curiosities which ended quickly in financial disasters such as the collapse of the Dutch "Tulip Mania" in 1637 and the "Mississippi Bubble" and the "South Sea Bubble" in 1720. As hard as they tried, monarchical rulers did not succeed in establishing monopolies of pure fiat currencies, i.e., of irredeemable government paper monies, which can be created virtually out of thin air, at practically no cost. No particular individual, not even a king, could be trusted with an extraordinary monopoly such as this.

在对通货膨胀和货币供给数据的考察中也出现了相似的模式。君主制世界普遍以存在商品货币（通常是白银或黄金）为特征，同时，在十七和十八世纪单一的一体化世界市场建立以后，君主制世界最终普遍以金本位为特征。商品货币本位使得政府很难（如果不是不可能的话）膨胀货币供给。通过垄断铸币权和进行“剪币”（“悄悄地”削减金属货币分量来使货币贬值），国王们已经不惜牺牲公众利益，竭尽所能地敛财。也有人试图推行不可兑现的法币。事实上，举例来说，英格兰国家银行的历史，从其1694年成立以来，就是一种不定期停止兑付黄金的历史，在1696年，1720年，1745年，以及从1797年到1821年，它都这么干过。但是这些法定货币实验，尤其是与阿姆斯特丹银行、英格兰银行22、约翰·劳（John Law）23以及法国皇家银行有关的那些实验，都曾是区域性的稀奇事物，并很快结束于金融灾难

22 阿姆斯特丹银行、英格兰银行分别是荷兰与英国的央行。

23 约翰·劳（John Law，法国人通常写作Jean Lass，1671年4月21日－1729年3月21日）是一位苏格兰裔经济学家、金融家和投机家。他认为货币纯属交换媒介而不能构成财富本身，国家的财富取决于贸易。因为他认为纸币是货币种类中最能提供极大的便利，而且有助于国家改善贸易逆差的状况的币种。路易十四去世后，劳被任命为法国的财政大臣。1716年，约翰·劳在法国成立了通用银行，尽管这是一间私人银行，但其发行资本之中约四分之三由法国政府发行的票据组成，所以这间银行实际上充当当时法国的首间中央银行。约翰·劳任职财政大臣时期推行的一系列经济金融政策导致后来的密西西比泡沫事件使法国经济全面崩溃。
中，比如 1637 年荷兰“郁金香热”①的崩溃，1720 年的“密西西比泡沫”②和“南海泡沫”③。君主制统治者虽然尽力尝试，但是并没有成功建立对纯粹法币（即可以事实上凭空创造的，实际上没有成本的，且不可兑现的政府纸币）的垄断。人们不会信任包括国王在内的，任何拥有这种极端垄断的特定个人。

It was only under conditions of democratic republicanism—of anonymous and impersonal rule—that this feat was accomplished. During World War I, as during earlier wars, the belligerent governments had gone off the gold standard. Everywhere in Europe, the result was a dramatic increase in the supply of paper money. In defeated Germany, Austria, and Soviet Russia in particular, hyperinflationary conditions ensued in the immediate aftermath of the war. Unlike earlier wars, however, World War I did not conclude with a return to the gold standard. Instead, from the mid-1920s until 1971, and interrupted by a series of international monetary crises, a pseudo gold standard—the gold exchange standard—was implemented. Essentially, only the U.S. would redeem dollars in gold (and from 1933 on, after going off the gold standard domestically,

①“郁金香泡沫”，1637 年发生在荷兰，是世界上最早的泡沫经济事件。当时由奥斯曼土耳其引进的郁金香球根异常地吸引大众抢购，导致价格疯狂飙高，然而在泡沫化过后，价格仅剩下高峰时的百分之一，让荷兰各大都市陷入混乱。郁金香泡沫经济的相关著作除了大仲马的小说《黑色郁金香》（La Tulipe noire）和绘画作品之外，几乎没有历史学观点上的研究。后来经由苏格兰人查尔斯·麦凯在 1841 年写的著作《异常流行幻象群众疯狂》介绍给全世界，该书后来被金融时报评选为十大投资经典之一。该作品中将郁金香的泡沫化描述成“大众的集体疯狂而引发的丑闻”。直到近年，麦凯所描述的泡沫化景象为世人大致接受，但是 E·A·汤普逊（E. A Thompson）和 J·托沙德（J. Treussard）认为当时不止郁金香，其他的物价也不安定，以群众的疯狂来解释事件是不对的。相关的研究最近开始陆续出现。还有人认为，泡沫根本不曾真正存在。

②密西西比公司（Compagnie du Mississippi）是一间 18 世纪时的法国公司，它当时主要目的是在隶属于法国的北美地区密西西比河流域，从事贸易和开发等等的商业活动，该公司的经营状况极差，但是股价却暴涨到发行价格的 40 倍以上，是近代三大泡沫经济事件之一，因为同年英国也发生南海事件，这次泡沫在经济史上具有一定意义。

1717 年八月，由当时身兼法国外交部长的商人约翰·劳买下，当时法国政府承诺给他 25 年的垄断经营权。密西西比公司先后以其雄厚的财力，发展出了法兰西东印度公司和法兰西银行。在这段时间之内，该公司的股票由 500 里弗尔涨到 15000 里弗尔。但是在 1720 年夏天时，投资人对这间公司的信心大减，结果一年之内股票价格跌回 500 里弗尔。

③南海泡沫事件（South Sea Bubble）是英国在 1720 年春天到秋天之间发生的经济泡沫。事件起因源于南海公司（South Sea Company），南海公司在 1711 年西班牙王位继承战争仍然进行时创立，表面上是专营英国与南美洲等地贸易的特许公司，但实际上是协助政府融资的私人机构，分担政府因战争而欠下的债务。南海公司在夸大业务前景及进行舞弊的情况下获外界看好，但股价却暴涨到发行价格的 40 倍以上，即可以事实上凭空创造的，实际没有任何成本的、且不可兑现的政府纸币。南海公司在 1720 年年中因 120 英镑急升至同年 7 月的 1, 000 镑以上，使全民疯狂炒股。

然而，市场上随即出现不少“泡沫公司”混水摸鱼，试图趁南海股价上升的时机分一杯羹。为规范这些不法公司的出现，国会于 6 月通过《泡沫法令》，炒股热潮随之减退，并连带触发南海公司股价急挫，至 9 月暴跌回 190 镑以下的水平，不少人血本无归，包括著名物理学家艾萨克·牛顿爵士也亏本离场。

南海泡沫事件使大众对政府诚信破产，多名托利党官员因事件下台或问罪；相反，辉格党政治家罗伯特·沃波尔收拾残局，协助向股民赔偿，使经济恢复正常，从而在 1721 年取得政府实权；世世将之形容为英国历史的首位首相。此后，辉格党取代托利党，长年主导英国政局。至于南海公司并没有因为泡沫而倒闭，但事实上，公司在 1750 年以后已中止对南美洲进行的贸易业务，最终维持至 1853 年才正式结业。
only to foreign central banks). Britain would redeem pounds in dollars (or, rarely, in gold bullion rather than gold coin), and the rest of Europe would redeem their currencies in pounds. Consequently, and as a reflection of the international power hierarchy which had come into existence by the end of World War I, the U.S. government now inflated paper dollars on top of gold, Britain inflated pounds on top of inflating dollars, and the other European countries inflated their paper currencies on top of inflating dollars or pounds (and after 1945 only dollars). Finally, in 1971, with ever larger dollar reserves accumulated in European central banks and the imminent danger of a European "run" on the U.S. gold reserves, even the last remnant of the international gold standard was abolished. Since then, and for the first time in history, the entire world has adopted a pure fiat money system of freely fluctuating government paper currencies.

As a result, from the beginning of the democratic-republican age—initially under a pseudo gold standard and at an accelerated pace since 1971 under a government paper money standard—a seemingly permanent secular tendency toward inflation and currency depreciation has existed.

27 此处匿名是指，民主下政策最终是由不具名的选民通过选票来决定的。
28 原注：另见穆瑞・N・罗斯巴德《政府对我们的钱做了什么？（What Has Government Done to Our Money?）》（Auburn, Ala.: Ludwig von Mises Institute, 1990）; 亨利・黑兹利特 (Henry Hazlitt)《从布雷顿森林到世界通货膨胀 (From Bretton Woods to World Inflation) 》(Chicago: Regnery, 1984); 汉斯・赫尔曼・霍普《银行、民族国家和国际政治：当前经济秩序的社会学重建 (Banking, Nation States, and International Politics: A Sociological Reconstruction of the Present Economic Order) 》，载于《奥地利经济学评论（Review of Austrian Economics）》第 4 卷 (1990 年); 同上，《法定货币怎么可能？货币和信贷的退化 (How is Fiat Money Possible? or, The Devolution of Money and Credit)》，载于《奥地利经济学评论（Review of Austrian Economics）》第 7 卷第 2 期 (1994 年)。
During the monarchical age with commodity money largely outside of government control, the "level" of prices had generally fallen and the purchasing power of money increased, except during times of war or new gold discoveries. Various price indices for Britain, for instance, indicate that prices were substantially lower in 1760 than they had been hundred years earlier; and in 1860 they were lower than they had been in 1760. Connected by an international gold standard, the development in other countries was similar. In sharp contrast, during the democratic-republican age, with the world financial center shifted from Britain to the U.S. and the latter in the role of international monetary trend setter, a very different pattern emerged. Before World War I, the U.S. index of wholesale commodity prices had fallen from 125 shortly after the end of the War between the States, in 1868, to below 80 in 1914. It was then lower than it had been in 1800. In contrast, shortly after World War I, in 1921, the U.S. wholesale commodity price index stood at 113. After World War II, in 1948, it had risen to 185. In 1971 it was 255, by 1981 it reached 658, and in 1991 it was near 1,000. During only two decades of irredeemable fiat money, the consumer price index in the U.S. rose from 40 in 1971 to 136 in 1991, in the United Kingdom it climbed from 24 to 157, in France from 30 to 137, and in Germany from 56 to 116.

在君主制时代，商品货币很大程度上不在政府控制之下，除了战争期间或新发现了黄金的期间，其他时候价格“水平”普遍下跌，货币购买力增加。例如，英国的各种价格指数显示，1760 年的物价比此前 100 年还要低。而 1860 年又低于 1760 年。在国际金本位制下，其他国家的发展历程也相似。与此对比鲜明的是，在民主共和时代，随着世界金融中心从英国转移到美国，以及后者在国际货币趋势中起主导作用，一种截然不同的模式出现了。一战前，美国大宗商品价格指数从内战后不久的 1868 年的 125 点，到 1914 年降到 80 点以下，比 1800 年还低。相反，一战后不久的 1921 年，美国大宗商品价格指数保持在 113 点。二战后，1948 年上升到 185 点。1971 是 255 点，1981 年达到 658 点，而在 1991 年则接近 1000 点。而在不可兑换的法币体系建立后的仅仅 20 年间，美国消费者价格指数从
1971年的40点上升到1991年的136点，英国从24点爬升到157点，法国是30点到137点，而德国是56点到116点。\(^{32}\)

Similarly, during more than seventy years, from 1845 until the end of World War I in 1918, the British money supply had increased about six-fold.\(^{34}\) In distinct contrast, during the seventy-three years from 1918 until 1991, the U.S. money supply increased more than sixty-four-fold.\(^{35}\)

同样，从1845年直到1918年一战结束的70多年间，英国的货币供给增加了大约6倍。\(^{33}\)与此对比鲜明的是，从1918年到1991年的73年间，美国的货币供给增加了64倍以上。\(^{34}\)

In addition to taxation and inflation, a government can resort to debt in order to finance its current expenditures. As with taxation and inflation, there is no doubt that government debt increased in the course of the monopolistic age. However, as predicted theoretically, in this field monarchs also showed considerably more moderation and farsightedness than democratic-republican caretakers.

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33. 原注：见米歇尔（Mitchell）《英国历史统计概要（Abstract of British Historical Statistics）》，第444页及后。


关于货币理论的认识和发展，在君主制时代和民主制时代之间存在着显著的区别。在位时主持了1711–1720年法国货币改革【译注：这次改革带来了恶性的通货膨胀，政治上后果严重】的早期法币与信用理论学者约翰·劳，秘密地离开了法国，到威尼斯寻求避难，最终死于一致如洗并被世人遗忘。与此同时，对比的是，约翰·劳的二十世纪后继者约翰·梅纳德·凯恩斯 (John Maynard Keynes) 对古典金本位制的消亡负有重大责任，且留下了一个后来崩溃于1971年的布雷顿森林体系【译注：布雷顿森林体系 (Bretton Woods system) 是指二战后以美元为中心的国际货币体系。】1944年7月，西方主要国家的代表在联合国国际货币金融会议上确立了该体系，因为此次会议是在美国新罕布什尔州布雷顿森林举行的，所以称之为“布雷顿森林体系”。布雷顿森林体系是以美元和黄金为基础的金汇兑本位制，其实质是建立一种以美元为中心的国际货币体系，基本内容包括美元与黄金挂钩、国际货币基金会员国的货币与美元保持固定汇率（实行固定汇率制度）。布雷顿森林货币体系的运转与美元的信誉和地位密切相关。但是，它使西方世界处在前所未有的恐慌中。】（不说别的，凯恩斯的享乐主义和当下取向的个人哲学——他的名言“从长远来看，我们都死了”概括了这种哲学的精髓——的确准确地总结了民主时代的精神。）同样，对1971年以来的货币秩序及人类历史上在和平时期最严重的通货膨胀负有重大责任的米尔顿·弗里德曼 (Milton Friedman)，也被誉为伟大的经济学家之一。详见约瑟夫·T.萨勒诺 (Joseph T. Salerno) 《现代货币理论中的两个传统：约翰·劳和 A.R.J. 杜尔阁 (Two Traditions in Modern Monetary Theory: John Law and A.R.J. Turgot)》，载于《经济学家与人类研究期刊 (Journal des Economistes et des Etudes Humaines)》第2卷，第2/3期（1991年）。
除了税收和通胀，政府可以借助负债来为其当前支出提供资金。与税收和通胀一样，毫无疑问，政府负债在君主制时代增加了。然而，正如理论所预测的，在这一领域，君主们也远比民主共和制的看管人表现得更为适度和更有远见。

Throughout the monarchical age, government debts were essentially war debts. While the total debt thereby tended to increase over time, during peacetime at least monarchs characteristically reduced their debts. The British example is fairly representative. In the course of the eighteenth and nineteenth centuries, government debt increased. It was 76 million pounds after the Spanish War in 1748, 127 million after the Seven Years' War in 1763, 232 million after the American War of Independence in 1783, and 900 million after the Napoleonic Wars in 1815. Yet during each peacetime period—from 1727-1739, from 1748-1756, and from 1762-1775, total debt actually decreased. From 1815 until 1914, the British national debt fell from a total of 900 to below 700 million pounds.

在整个君主制时代，政府负债基本上是战争负债。因此，尽管总负债随着时间推移而趋于增加，但至少在和平时期，君主们的典型表现还是减少负债。英国的例子就相当有代表性。在十八和十九世纪中，政府的负债增加了。西班牙战争后的1748年是7600万英镑，七年战争后的1763年是1亿2700万英镑，美国独立战争后的1783年是2亿3200万英镑，拿破仑战争后的1815年是9亿英镑。然而，在每一个和平期——1727-1739年、1748-1756年、1762-1775年，负债总额实际上降低了。从1815年直到1914年，英国国家负债总额从9亿英镑降到了7亿英镑以下。

In striking contrast, since the onset of the democratic-republican age British debt has only increased, in war and in peace. In 1920 it was 7.9 billion pounds, in 1938 8.3 billion, in 1945 22.4 billion, in 1970 34 billion, and since then it has skyrocketed to more than 190 billion pounds in 1987. Like wise, us government debt has increased through war and peace. Federal government debt after World War I, in 1919, was about 25 billion dollars. In 1940 it was 43 billion, and after World War II, in 1946, it stood at about 270 billion. By 1970 it had risen to 370 billion, and since 1971, under a pure fiat money regime, it has literally exploded. In 1979 it was about 840 billion, and in 1985 more than 1.8 trillion. In 1988 it reached almost 2.5 trillion, by 1992 it exceeded 3 trillion dollars, and presently it stands at approximately 6 trillion dollars.

与此形成鲜明对比的是，自民主共和时代一开启，英国的负债就只是在增加，无论是战争还是和平时期。1920年负债79亿英镑，1938年是83亿英镑，1945年是224亿英镑，1970年是340亿英镑，

Finally, the same tendency toward increased exploitation and present-orientation emerges upon examination of government legislation and regulation. During the monarchical age, with a clear-cut distinction between the ruler and the ruled, the king and his parliament were held to be under the law. They applied preexisting law as judge or jury. They did not make law. Writes Bertrand de Jouvenel:

最终，查考政府立法与管制，也同样出现了加重剥削和当下取向的趋势。在君主制时代，由于统治者与被统治者之间泾渭分明，国王及其议会被认为下位于法律。他们不造法，只以法官或裁判团（jury）[37]的身份运用法律。不造法。贝特朗・德・儒弗内尔（Bertrand de Jouvenel）写道：

The monarch was looked on only as judge and not as legislator. He made subjective rights respected and respected them himself; he found these rights in being and did not dispute that they were anterior to his authority.... Subjective rights were not held on the precarious tenure of grant but were freehold possessions. The sovereign's right also was a freehold. It was a subjective right as much as the other rights, though of a more elevated dignity, but it could not take the other rights away.... Indeed, there was a deep-seated feeling that all positive rights stood or fell together; if the king disregarded (a private citizen's) title to his land, so might the king's title to his throne be.


36 原注：见乔纳森・休斯（Jonathan Hughes），《美国经济史（American Economic History）》（Glenview, Ill.: Scott, Foresman, 1990），第 432、498 页和第 589 页。

37 Jury 一般翻译为“陪审团”，现在的英美普通法系中，jury 一般是指由抽签产生的公民组成的，在控辩双方进行质证以后，对案件结果进行裁判的特定公民组织。显然，君主制时代的统治者不属于这种形式。其实这个词的本意就是对争议进行依法裁决的人或机构。译成陪审团是一个极易引起误解的错译（仿佛它的功能“陪伴、辅助”法官审案），而应该翻译成“裁判团”或“审判团”。“
disregarded. The profound if obscure concept of legitimacy established the solidarity of all rights. No change in these rights could be effected without the consent of their holders.

The monarch could not be dissociated from the monarch’s rights. He let himself be treated as a judge, not as a legislator. He employed his monopoly of law and order for a perversion of the idea of punishment. The primary objective of punishment originally had been the restitution and compensation of the victim of a rights violation by the offender. Under monarchical rule, the objective of punishment had increasingly shifted to compensating the king, instead. However, while this practice implied an expansion of government power, it did not imply an expansion of understanding of the objective of punishment.

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38 主观权利 (subjective right): 在欧洲的某些语言（如德语和法语）中，“法”与“权利”同词。有些学者为了表述类似中文意义上的法和权利，便不加这词分别加上“客观的”或“主观的”加以限定，以表明前者为法，后者为权利。中译者将其直译过来，便成了“客观法”和“主观权利”。霍普的母语是德语，他也是这样直译的。但是在英文作者中，这种区分其实是不必要的，因为英文中法与权利是两个词。简单说，“主观权利”是指人们拥有可以做某事的权利，“客观法”就是普通约束的不可违反的法律。

39 原注：见德·德福内尔 (De Jouvenel) 《主权 (Sovereignty)》，第 172-73 页和 189 页；另见弗里茨·克恩 (Fritz Kern) 《中世纪的主权和法律 (Kingship and Law in the Middle Ages)》 (Oxford: Blackwell, 1948)，特别是第 151 页，伯恩哈德·雷费尔德 (Bernhard Rehfell) 《死亡之神 (Die Wurzen des Rechts)》 (Berlin, 1951)，特别是第 67 页。
In striking contrast, under democracy, with the exercise of power shrouded in anonymity, presidents and parliaments quickly came to rise above the law. They became not only judge but legislator, the creator of “new” law.

Today, notes Jouvenel, involvement any redistribution of wealth and income within civil society, nor did it imply that the king himself was exempt from the standard provisions of private law. Private law was still supreme. And indeed, as late as the beginning of the twentieth century, A.V. Dicey could still maintain that as for Great Britain, for instance, legislative law—public law—as distinct from pre-existing law—private law—did not exist. The law governing the relationships between private citizens was still considered fixed and immutable, and government agents in their relationship with private citizens were regarded as bound by the same laws as any private citizen.

Indeed, with competition conditioned情形相比，对法制（law administration，运用法律来管理）的垄断会带来价格更高的/或质量更次的（法律服务）产品，并且在这一过程中，国王越来越多地运用其垄断为自己谋利。例如，在这个过程中，国王会愈加利用其法律与秩序的垄断权来扭曲惩罚的理念。惩罚的首要目标最初是恢复和补偿被罪犯侵犯权利的受害者。在君主统治下，惩罚的目标反而逐渐沦为补贴国王。虽然这实际上意味着政府权力的扩张，但它既不涉及民间社会内的财富与收入的再分配，也不意味着国王本人自出于私法标准条款。私法仍然至高无上。实际上，迟至二十世纪初，A.V. 戴西（A.V. Dicey）仍坚持认为，例如对英国来说，立法的法律，即公共法律与先前既存的法律，即私法之间的区别是不存在的。政府机构与公民个人之间的关系仍被认为是确定不变的，政府机构与公民个人的关系被认为是与任何公民个体一样受同样的法律约束。
In a development similar to the democratization of money—the substitution of government paper money for private commodity money and the resulting inflation and increased financial uncertainty—the democratization of law and law administration has led to a steadily growing flood of legislation. Presently, the number of legislative acts and regulations passed by parliaments in the course of a single year is in the tens of thousands, filling hundreds of thousands of pages, affecting all aspects of civil and commercial life, and resulting in a steady depreciation of all law and heightened legal uncertainty. As a typical example, the 1994 edition of the Code of Federal Regulations (CFR), the annual compendium of all U.S. federal government regulations currently in effect, consists of a total of 201 books, occupying about 26 feet of library shelf space. The Code's index alone is 754 pages. The Code contains regulations concerning the production and distribution of almost everything imaginable: from celery, mushrooms, watermelons, watchbands, the labeling of incandescent light bulbs, hosiery, parachute jumping, iron and steel manufacturing, sexual offenses on college campuses to the cooking of onion rings made out of diced onions, revealing the almost totalitarian power of a democratic government.\(^3\)

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42 原注：见罗伯特・尼斯贝特（Robert Nisbet）《共同体与权力（Community and Power）》（NewYork: Oxford University Press, 1962），第110-111页。

43 原注：见贝特朗・德・儒弗内尔（Bertrand de Jouvenel）《主权（Sovereignty）》，第189页；另见罗伯特・尼斯贝特（Robert Nisbet）《共同体与权力（Community and Power）》，第5章。

国王的统治不负责任的程度，有时可能极少有现代政府官员能享受，但他们享有的权力和服务的结果而言，即使是十七世纪的“绝对君主制国家”中的任何一位国王，认为他们拥有现在民主国家许多高级官员所固有的那种权力，是令人怀疑的。（第103页）
Indicators of Present-Orientedness

2.当下取向的指标

The phenomenon of social time preference is somewhat more elusive than that of expropriation and exploitation, and it is more complicated to identify suitable indicators of present-orientation. Moreover, some indicators are less direct—"softer"—than those of exploitation. But all of them point in the same direction and together provide as clear an illustration of the second theoretical prediction: that democratic rule also promotes short-sightedness (present-orientation) within civil society.  

社会时间偏好现象比征掠和剥削现象更难捉摸，而且确定合适的当下取向指标也更为复杂。此外，有些指标不如剥削指标那么直接， “更软一些”。但是，它们都指向同一个方向，共同清楚地说明了第二个理论预测：民主统治也增加了民间社会的短视（当下取向）。

The most direct indicator of social time preference is the rate of interest. The interest rate is the ratio of the valuation of present goods as compared to future goods. More specifically, it indicates the premium at which present money is traded against future money. A high interest rate implies more "present-orientedness" and a

44 法律贬值是指法律对人们的效用较低了。即法律本来是保护人们的私产价值的，法律之内是人们的自由与权利空间，但是随着法律增加，这个空间缩小了，所以效用降低，贬值了。

45 原注：见唐纳德·布德蕾（Donald Boudreaux）《世界上最大的政府(The World's Biggest Government)》, 载于《自由市场(Free Market)》(1994年11月)。

46 原注：另见T·亚历山大·史密斯（T. Alexander Smith）《时间与公共政策(Time and Public Policy)》（Knoxville：University of Tennessee Press, 1988）。
low rate of interest implies more "future-orientation." Under normal conditions—that is under the assumption of increasing standards of living and real money incomes—the interest rate can be expected to fall and ultimately approach, yet never quite reach, zero, for with rising real incomes, the marginal utility of present money falls relative to that of future money, and hence under the ceteris paribus assumption of a given time preference schedule the interest rate must fall. Consequently, savings and investment will increase, future real incomes will be still higher, and so on.

In fact, a tendency toward falling interest rates characterizes mankind's suprasecular trend of development. Minimum interest rates on 'normal safe loans' were around 16 percent at the beginning of Greek financial history in the sixth century B.C., and fell to 6 percent during the Hellenistic period. In Rome, minimum interest rates fell from more than 8 percent during the earliest period of the Republic to 4 percent during the first century of the Empire. In thirteenth-century Europe, the lowest interest rates on 'safe' loans were 8 percent. In the fourteenth century they came down to about 5 percent. In the fifteenth century they fell to 4 percent. In the seventeenth century they went down to 3 percent. And at the end of the nineteenth century minimum interest rates had further declined to less than 2.5 percent.  

实际上，利率下降的趋势是人类发展的超长趋势（suprasecular trend）特征。‘正常安全贷款’的最低利率在公元前六世纪希腊金融史初期约为 16%，希腊化时期降到约 6%。在罗马，最低利率从共和初期的超过 8%降到帝国的第一个百年中的 4%。在十三世纪的欧洲，“安全”贷款的最低利率是 8%。十四世纪降到约 5%。在十五世纪，降到了 4%。在十七世纪降到了 3%。在十九世纪末最低率进一步降到不足 2.5%。

This trend was by no means smooth. It was frequently interrupted by periods, sometimes as long as centuries, of rising interest rates. However, such periods were associated with major wars and revolutions such as the
Hundred Years' War during the fourteenth century, the Wars of Religion from the late sixteenth to the early seventeenth century, the American and French Revolutions and the Napoleonic Wars from the late eighteenth to the early nineteenth century, and the two World Wars in the twentieth century. Furthermore, whereas high or rising minimum interest rates indicate periods of generally low or declining living standards, the overriding opposite tendency toward low and falling interest rates reflects mankind's overall progress—its advance from barbarism to civilization. Specifically, the trend toward lower interest rates reflects the rise of the Western World, its peoples' increasing prosperity, farsightedness, intelligence, and moral strength, and the unparalleled height of nineteenth-century European civilization.

With this historical backdrop and in accordance with economic theory, then, it should be expected that twentieth-century interest rates would be still lower than nineteenth-century rates. Indeed, only two possible explanations exist why this is not so. The first possibility is that twentieth century real incomes did not exceed, or even fell below, nineteenth-century incomes. However, this explanation can be ruled out on empirical grounds, for it seems fairly uncontroversial that twentieth-century incomes are in fact higher. Then only the second explanation remains. If real incomes are higher but interest rates are not lower, then the ceteris paribus clause can no longer be assumed true. Rather, the social time preference schedule must have shifted upward. That is, the character of the population must have changed. People on the average must have lost in moral and intellectual strength and become more present oriented. Indeed, this appears to be the case.

那么，在这样的历史背景下，根据经济理论，可以预计二十世纪的利率会比十九世纪的利率还低。事实上情况并非如此，那就只存在两种可能解释。第一种可能性是，二十世纪的收入没有超过，甚至还低于十九世纪的收入。然而，这种解释可以以经验的理由排除，因为二十世纪收入实际上更高似乎无可争议。那么，就只剩下第二种解释。如果实际收入更高但是利率没有更低，那么等条件不变的理由就不再成立。相反，社会时间偏好一定向上移动。也就是说，人们的性格必定已经发生了改变。人们的平均道德与智慧力量必定有所减损，并且变得更加注重当下。确实，情况看来就是这样。
From 1815 onward, throughout Europe and the Western World minimum interest rates steadily declined to a historic low of well below 3 percent on the average at the turn of the century. With the onset of the democratic-republican age this earlier tendency came to a halt and seems to have changed direction, revealing twentieth century Europe and the U.S. as declining civilizations. An inspection of the lowest decennial average interest rates for Britain, France, the Netherlands, Belgium, Germany, Sweden, Switzerland, and the U.S., for instance, shows that during the entire post-World War I era interest rates in Europe were never as low as or lower than they had been during the second half of the nineteenth century. Only in the U.S., in the 1950s, did interest rates ever fall below late nineteenth-century rates. Yet this was only a short-lived phenomenon, and even then U.S. interest rates were not lower than they had been in Britain during the second half of the nineteenth century. Instead, twentieth-century rates were significantly higher than nineteenth century rates universally, and if anything they have exhibited a rising tendency. This conclusion does not substantially change, even when it is taken into account that modern interest rates, in particular since the 1970s, include a systematic inflation premium. After adjusting recent nominal interest rates for inflation in order to yield an estimate of real interest rates, contemporary interest rates still appear to be significantly higher than they were one-hundred years ago. On the average, minimum long-term interest rates in Europe and the U.S. nowadays seem to be well above 4 percent and possibly as high as 5 percent—that is above the interest rates of seventeenth-century Europe and as high or higher than fifteenth-century rates. Likewise, current U.S. savings rates of around 5 percent of disposable income are no higher than they were more than three hundred years ago in a much poorer seventeenth-century England.

从 1815 年起，整个欧洲和西方世界的最低利率，稳步下降到本世纪之初远低于平均 3%的历史低点。随着民主共和时代开启，这种早期趋势停止，且似乎改变了方向并揭示出二十世纪的欧美文明正在走向衰落。例如，一项对英国、法国、荷兰、比利时、德国、瑞士、瑞典和美国十年平均最低利率的调查显示，在整个后一战时期，欧洲的利率从未低到或低于十九世纪下半叶的水平。只有美国在 1950 年代利率曾经降到十九世纪末的水平以下。然而，这也只是一个短期现象，甚至美国的利率也不曾低于十九世纪下半叶英国的水平。相反，二十世纪的利率普遍远远高于十九世纪，如果说表现出了什么不同的话，那就是它们呈现出了上升趋势。即使考虑纳入系统性通胀溢价的现代利率，尤其是 1970 年代以来利率，结论也不会发生实质性变化。在调整近期名义利率后（为了挤出通胀因素，估算真实利率），当代的利率看上去仍然远远高于一百年前。平均而言，欧洲和美国今天的最低长期利率似乎

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14 原注：见同上，第 554-555 页。
Parallel to this development and reflecting a more specific aspect of the same underlying phenomenon of high or rising social time preferences, indicators of *family disintegration*—"dysfunctional families"—have exhibited a systematic increase.

与这种发展趋势平行，并更具体地反映了社会时间偏好居高或上升的同类深层次现象的是，**家庭解体**的指标——“功能失调的家庭”——表现出系统性的上升。

Until the end of the nineteenth century, the bulk of government spending—typically more than 50 percent—went to financing the military. Assuming government expenditures to be then about 5 percent of the national product, this amounted to military expenditures of 2.5 percent of the national product. The remainder went to government administration. Welfare spending or "public charity" played almost no role. Insurance was considered to be in the province of individual responsibility, and poverty relief seen as the task of voluntary charity. In contrast, as a reflection of the egalitarianism inherent in democracy, from the beginning of the democratization in the late nineteenth century onward came the collectivization of individual responsibility. Military expenditures have typically risen to 5-10 percent of the national product in the course of the twentieth century. But with public expenditures currently making up 50 percent of the national product, military expenditures now only represent 10-20 percent of total government spending. The bulk of public spending—typically more than 50 percent of total expenditures (or 25 percent of the national product)—is now eaten up by public welfare spending: by compulsory government "insurance" against illness, occupational injuries, old age, unemployment, and an ever expanding list of other disabilities.

直到十九世纪末，大量的政府开支——通常超过 50%——用于支持军务。假定政府开支那时候占国民生产的约 5%，那么军事开支就占国民生产的 2.5%。剩下的用于政府行政。战争开支或“公共慈善”几乎没有扮演什么角色。保险被认为是个人责任领域的事务，缓解贫困是自愿慈善的任务。相反，作为内嵌于民主的立法主义之反映，十九世纪末民主化一开启，个人责任的集体主义化就出现了。二十世纪中，军事开支通常上升到国民生产的 5-10%。但是，当前公共开支占国民生产的 50%，而军事开支现在只占政府总支出的 10-20%。大量的公共开支——通常占总支出的 50%（或国民生产的 25%）

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远高于 4%，甚至可能高于 5%，这高于欧洲十七世纪利率，也高至乃至高过十五世纪利率。同样，当前美国储蓄率约占可支配收入的 5%，它也不比三百年多前，也就是十七世纪贫穷得多的英格兰高。

Parallel to this development and reflecting a more specific aspect of the same underlying phenomenon of high or rising social time preferences, indicators of *family disintegration*—"dysfunctional families"—have exhibited a systematic increase.

与这种发展趋势平行，并更具体地反映了社会时间偏好居高或上升的同类深层次现象的是，**家庭解体**的指标——“功能失调的家庭”——表现出系统性的上升。

Until the end of the nineteenth century, the bulk of government spending—typically more than 50 percent—went to financing the military. Assuming government expenditures to be then about 5 percent of the national product, this amounted to military expenditures of 2.5 percent of the national product. The remainder went to government administration. Welfare spending or "public charity" played almost no role. Insurance was considered to be in the province of individual responsibility, and poverty relief seen as the task of voluntary charity. In contrast, as a reflection of the egalitarianism inherent in democracy, from the beginning of the democratization in the late nineteenth century onward came the collectivization of individual responsibility. Military expenditures have typically risen to 5-10 percent of the national product in the course of the twentieth century. But with public expenditures currently making up 50 percent of the national product, military expenditures now only represent 10-20 percent of total government spending. The bulk of public spending—typically more than 50 percent of total expenditures (or 25 percent of the national product)—is now eaten up by public welfare spending: by compulsory government "insurance" against illness, occupational injuries, old age, unemployment, and an ever expanding list of other disabilities.

直到十九世纪末，大量的政府开支——通常超过 50%——用于支持军务。假定政府开支那时候占国民生产的约 5%，那么军事开支就占国民生产的 2.5%。剩余的用于政府行政。战争开支或“公共慈善”几乎没有扮演什么角色。保险被认为是个人责任领域的事务，缓解贫困是自愿慈善的任务。相反，作为内嵌于民主的立法主义之反映，十九世纪末民主化一开启，个人责任的集体主义化就出现了。二十世纪中，军事开支通常上升到国民生产的 5-10%。但是，当前公共开支占国民生产的 50%，而军事开支现在只占政府总支出的 10-20%。大量的公共开支——通常占总支出的 50%（或国民生产的 25%）
Consequently, by increasingly relieving individuals of the responsibility of having to provide for their own health, safety, and old age, the range and temporal horizon of private provisionary action have been systematically reduced. In particular, the value of marriage, family, and children have fallen, since one can fall back on "public" assistance. Thus, since the onset of the democratic-republican age the number of children has declined, and the size of the endogenous population has stagnated or even fallen. For centuries, until the end of the nineteenth century, the birth rate was almost constant: somewhere between 30 to 40 per 1,000 population (usually somewhat higher in predominantly Catholic and lower in Protestant countries). In sharp contrast, during the twentieth century birthrates all over Europe and the U.S. have experienced a dramatic decline—down to about 15 to 20 per 1,000. At the same time, the rates of divorce, illegitimacy, single parenting, singledom, and abortion have steadily increased, while personal savings rates have begun to stagnate or even fall rather than rise proportionally or even over-proportionally with rising incomes.

因此，由于不断减轻个人承担自身健康、安全和晚年责任，私人供给行动的范围和时长已经系统性地缩减了。尤其是，由于人们可以依靠“公共”援助，婚姻、家庭、子女的价值下降了。因此，自民主共和时代开始，子女数量下降了，内生性人口规模停滞不前甚至下降。数百年来，直到十九世纪末，出生率几乎都维持在每 1000 人 30-40 个孩子之间（通常天主教占主导地位的国家较高，而新教国家更低）。与此对比鲜明的是，在二十世纪中，欧洲和美国的出生率表现出惊人的下降——降到大约每 1000 人 15-20 个孩子。同时，离婚率、非婚生子女率、单亲家庭率、单身率和堕胎率稳步增加，而个人储蓄率停滞不前甚至下降，而非随着收入增加而同比例甚至超比例增加。

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50 原注：见同上，第 54-55 页；弗洛拉（Flora）《西欧国家、经济与社会（State, Economy, and Society in Western Europe）》（Frankfurt/M.: Campus, 1983）第 8 章和第 454 页。


Moreover, as a consequence of the depreciation of law resulting from legislation and the collectivization of responsibility effected in particular by social security legislation, the rate of crimes of a serious nature, such as murder, assault, robbery, and theft, has also shown a systematic upward tendency.

此外，由于立法导致的法律贬值，特别是社会保障立法的责任集体化，谋杀、袭击、抢劫、盗窃等性质严重的犯罪率也呈系统性上升趋势。

In the "normal" course of events—that is with rising standards of living—it would be expected that the protection against social disasters such as crime would undergo continual improvement, just as one would expect the protection against natural disasters such as floods, earthquakes and hurricanes to become progressively better. Indeed, throughout the Western world this appears to have been the case by and large—until recently, during the second half of the twentieth century, when crime rates began to climb steadily upward.

在“正常”的事态——即生活水平不断提升——进程中，可以预计，使人们免受社会灾难侵害的保护措施会得到持续改善，正如人们可以预计，保护人们免受洪水、地震和飓风等自然灾害侵害的措施会不断进步一样。事实上，整个西方世界似乎很大程度上看上去也是这样，直到最近——二十世纪下半叶——犯罪率才开始稳步爬升。

To be sure, there are a number of factors other than increased irresponsibility and shortsightedness brought on by legislation and welfare that may contribute to crime. Men commit more crimes than women, the young more than the old, blacks more than whites, and city dwellers more than villagers. Accordingly, changes in the composition of the sexes, age groups, races, and the degree of urbanization could be expected to have a systematic effect on crime. However, all of these factors are relatively stable and thus cannot account for any systematic change in the long-term downward trend of crime rates. As for European countries, their populations were and are comparatively homogeneous; and in the U.S., the proportion of blacks has remained stable. The sex composition is largely a biological constant; and as a result of wars, only the

proportion of males has periodically fallen, thus actually reinforcing the "normal" trend toward falling crime rates. Similarly, the composition of age groups has changed only slowly; and due to declining birth rates and higher life expectancies the average age of the population has actually increased, thus helping to depress crime rates still further. Finally, the degree of urbanization began to increase dramatically from about 1800 onward. A period of rising crime rates during the early nineteenth century can be attributed to this initial spurt of urbanization. Yet after a period of adjustment to the new phenomenon of urbanization, from the mid-nineteenth century onward, the countervailing tendency toward falling crime rates took hold again, despite the fact that the process of rapid urbanization continued for about another hundred years. And when crime rates began to move systematically upward, from the mid-twentieth century onward, the process of increasing urbanization had actually come to a halt.

It thus appears that the phenomenon of rising crime rates cannot be explained other than with reference to the process of democratization: by a rising degree of social time preference, an increasing loss of individual responsibility, intellectually and morally, and a diminished respect for all law—moral relativism—stimulated by an unabated flood of legislation. Of course, "high time preference" is by no means equivalent with "crime." A high time preference can also find expression in such perfectly lawful activities as recklessness, unreliability, poor manners, laziness, stupidity, or hedonism. Nonetheless, a systematic relationship between high time preference and crime exists, for in order to earn a market income a certain minimum of planning,

54 原注：J·菲利普·拉什顿 (Philippe Rushton) 《种族、进化和行为 (Race, Evolution, and Behavior)》 (New Brunswick, NJ:Transaction Publishers, 1995)；迈克尔·莱文 (Michael Levin) 《种族为何重要 (Why Race Matters)》 (Westport, Conn.: Praeger, 1997)。

55 原注：见威尔逊 (Wilson) 和赫恩斯坦 (Herrnstein) 《犯罪与人性 (Crime and Human Nature)》，第 411 页。
patience, and sacrifice is required. One must first work for a while before one gets paid. In contrast, most serious criminal activities such as murder, assault, rape, robbery, theft, and burglary require no such discipline. The reward for the aggressor is immediate and tangible, whereas the sacrifice—possible punishment—lies in the future and is uncertain. Consequently, if the social degree of time preference were increased, it would be expected that the frequency in particular of these forms of aggressive behavior would rise—as they in fact did.\(^6\)

因此，犯罪率上升的现象似乎不能以民主化进程之干预以外的其他理由来解释：随着社会时间偏好程度的增加和个人责任、智识和道德感的不断削弱以及对法律的尊重减弱，无可阻挡的立法洪流刺激了道德相对主义的兴起。\(^5\)当然，“高时间偏好”并不意味着等同于“犯罪”。高时间偏好也可能表现为诸如冲动、不可靠、无礼、懒惰、愚蠢或享乐主义等完全合法的形式。尽管如此，高时间偏好与犯罪之间仍然存在着一种系统性的关系，因为为了赚取市场收入，必须有最低限度的计划、耐心，牺牲是必须的。一个人必须先工作一段时间，然后才能得到报酬。相比之下，最严重的犯罪活动，如谋杀、袭击、强奸、抢劫、盗窃和入室行窃，则不需要这样的纪律。对侵犯者的奖励是有形的和即时的，但牺牲——可能的惩罚——在未来，而且是不确定的。因此，如果社会时间偏好程度增加，可以预计，上述形式的侵犯性行为的频率尤会增加——事实上也是如此。\(^5\)

\(^5\) 原注: 同上，第 414-415 页，也得出了基本相同的结论。

当一个社会的价值观更加倾向平等主义时，它就对某些人的投入内在地优于他人的投入表示怀疑，因此其成员更倾向于将他人的产出视为不公平的收入。我们认为，几乎毫无疑问，现代国家的思想趋势倾向于对支付的观点，在某些情况下，弱势种族、族群和宗教少数群体不断加强的信念强调了这种观点。这种信念就是：他们不需要像曾经那样（对其他群体）表示尊重。相反，因为过去的不公正，作为补偿，现在占多数的群体对他们有所亏欠。当然，人们可以在不更具犯罪性的情况下，形成更平等主义，甚至更“追偿主义”（reparations-seeking）的观点。但是，边缘个体——也许是那些看中了富裕社会财富的冲动者——发现，当他们允许自己被说服相信，一辆汽车的当前所有权者不会比他们更加有权（即更有理由）主张汽车的所有权时，这种平等主义和“追偿主义”观念的价值突然就提升了。关于内在地抑制犯罪变化的数据实际上并不存在，……[然而]一个诱人的假设可能表明，至少在某些社会，这种内在的抑制事实上已经发生了变化。Wolpin 发现，在英国，被捕前自杀的杀人犯与所有被定罪的杀人犯人数之比，或多或少地从 1929 年的四分之三降到 1967 年的四分之一左右。\(^5\)

\(^5\) 原注: 关于高时间偏好与犯罪之间的关系，另见爱德华 C·班菲尔德 (Edward C. Banfield)《重访罪恶之都》(The Unheavenly City Revisited)；同上，《当下取向与犯罪（Present-Orientedness and Crime）》，载于《犯罪评估：恢复原状、报复和立法进程（Assessing the Criminal: Restitution, Retribution, and the Legal Process）》，兰迪·E·巴内特 (Randy E. Barnett) 和约翰·哈格尔 (John Hagel) 主编 (Cambridge, Mass.: Ballinger, 1977)。班菲尔德在《重访罪恶之都》(The Unheavenly City Revisited)（第 140-141 页）中解释道：

法律掌控的惩罚之威胁，不可能阻止当下取向的人。他期望从非法行动中所得收益非常接近于当下，而他可能受到的惩罚——在他被抓获和受罚的事件中——对他来说，可能太过遥远而不在考虑范围之内。对一个正常人来说，除了法律惩罚之外，还有其他风险：耻辱、失去工作，如果入狱妻儿会生活艰难等等。当下取向的人没有这些风险。在他的圈子里，大家理所当然认为，人们总会时不时被条子“找麻烦”；他不需要担心失业，因为他总是打短工甚至根本不工作；而对他的妻儿来说，他对他们的支持少得可怜，没有他，他们可能活得更好。

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可见詹姆斯·Q·威尔逊（James Q. Wilson）和理查德·J·赫恩斯坦（Richard J. Herrnstein）的报告《犯罪与人性》（Crime and Human Nature）第416-422页。威尔逊（Wilson）和赫恩斯坦（Herrnstein）的报告显示，年轻人越来越“更注重当下，因此比早于长大者更易于冲动”。有证据表明这是真的。1959年，David、Kidder和Reich对罗德岛的一群被收容的男女少年犯进行了各种测试（完成一个故事，告诉面试官如果给他们钱，他们是会省下钱还是花掉钱），这些测试旨在衡量他们的时间取向。结果显示，他们明显地比那些可比较的同龄非少年犯更注重当下。15年后，在同一州和同一年龄段的一组新的被收容的少年犯接受了基本相同的测试。与1959年少年犯被试组相比，这一组人更倾向于当下，因此也就更不太愿意（例如，通过储蓄而非花钱）来延迟满足感。此外，15年后的被试组经常提到把礼金花在毒品上（1959年没人这么说过），却从未提到过把钱给别人（有几个人在1959年说他们会这么做），第418页。
Conclusion: Monarchy, Democracy, And The Idea Of Natural Order

From the vantage point of elementary economic theory and in light of historical evidence, then, a revisionist view of modern history results. The Whig theory of history, according to which mankind marches continually forward toward ever higher levels of progress, is incorrect. From the viewpoint of those who prefer less exploitation over more and who value farsightedness and individual responsibility above shortsightedness and irresponsibility, the historic transition from monarchy to democracy represents not progress but civilizational decline. Nor does this verdict change if more or other indicators are included. Quite to the contrary. Without question the most important indicator of exploitation and social decay of democratic republican government appears to be even worse, not better. In addition to increased exploitation and social decay, the transition from monarchy to democracy has brought a change from limited warfare to total war, and the twentieth century, the age of democracy, must be ranked also among the most murderous periods in all of history.

从基本经济理论角度出发，那么根据历史证据，就会导致一种修正主义的现代史观。根据辉格党人的历史理论，人类不断向前进步，水准越来越高。这种理论是不正确的。从那些偏爱剥削更少的人和更重视远见及个人责任，而非短视和不负责任的人来说，从君主制向民主制的转变代表的不是进步而是文明的衰落。如果加入其他更多指标，也不会改变这个判断，恰恰相反，毫无疑问，前面没有讨论的剥削与当下取向的最重要指标是战争。然而，如果加入这个指标，民主共和政府的相关表现看上去甚至会更糟糕，而不是更好。除了增加剥削和加重社会堕落外，从君主制到民主制的转变也让有限战争变成了全面战争，二十世纪这个民主时代，必须被列为人类历史上杀人最多的时期之一。

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58 辉格党的历史理论，又称为“历史的辉格解释”或“辉格史观”，辉格史观是由英国史学家赫尔伯特·巴特菲尔德 (Herbert Butterfield) 首先创用的，它指的是 19 世纪初期，属于辉格党的一些历史学家从辉格党的利益出发，用历史作为工具来论证辉格党的政见，依照现在来解释过去和历史。十九世纪，英国历史学家总结光荣革命以来的历史，就把它几乎描写成了一部辉格党的党史。意思就是辉格党是一个进步的政党、是英国进步的力量，英国在辉格党的带领下不断走向进步是历史的必然，当初所有反对辉格党的都是落后势力，他们的失败是不可避免的。因此，辉格史观也被认为是“历史总是在向前发展，今天一定比昨天更进步”的进步主义史观的代名词，同时还有“今天的一切都是历史的必然”这种历史主义的意味。

59 原注：关于君主战争和民主战争的对比，见约翰·F·C·富勒（John F. C. Fuller）《战争行为（The Conduct of War）》(New York: Da Capo Press, 1992)，特别是第 1 章和第 2 章；同上，《战争与西方文明（War and Western Civilization）》175 / 496
Thus, inevitably two final questions arise. The current state of affairs can hardly be "the end of history." What can we expect? And what can we do? As for the first question, the answer is brief. At the end of the twentieth century, democratic republicanism in the U.S. and all across the Western world has apparently exhausted the reserve fund that was inherited from the past. For decades, until the 1990s boom, real incomes have stagnated or even fallen.\(^4\) The public debt and the cost of social security systems have brought on the prospect of an imminent economic meltdown. At the same time, societal breakdown and social conflict have risen to dangerous heights. If the tendency toward increased exploitation and present-orientatedness continues on its current path, the Western democratic welfare states will collapse as the East European socialist peoples' republics did in the late 1980s. Hence one is left with the second question: What can we do now, in order to prevent the process of civilizational decline from running its full course to an economic and social catastrophe?

Therefore, two unavoidable终极问题出现了。目前的事态很难被称为“历史的终结”，我们还能期待什么呢？我们能做什么？第一个问题，答案很简单。在二十世纪末，美国和全世界的民主共和显然已经耗尽承自历史的储备金。几十年来，直到上世纪90年代的经济繁荣，实际收入停滞不前甚至有所下降。\(^6\) 公共负债和社会保障系统的成本，带来了迫在眉睫的经济崩溃前景。\(^6\) 同时，社会崩溃和社会冲突已经上升到危险的高度。如果剥削加重和更注重当下取向的趋势，按照现在的步伐持续下去，西方民主社会国家会像1980年代末东欧那些社会主义人民共和国那样崩溃。因此，只剩下第二个问题：为了阻止文明衰落进程，开足马力驶向经济与社会灾难，我们还能做些什么？

Above all, the idea of democracy and majority rule must be delegitimized. Ultimately, the course of history is determined by ideas, be they true or false. Just as kings could not exercise their rule unless a majority of public opinion accepted such rule as legitimate, so will democratic rulers not last without ideological support in public opinion.\(^{18}\) Likewise, the transition from monarchical to democratic rule must be explained as fundamentally nothing but a change in public opinion. In fact, until the end of World War I, the

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\(^4\) 原注：有关美国数据的揭示性分析，请参见罗伯特·贝特马尔科（Robert Bateman）《国民生产总值、人均生产总值和生活水平（GNP, PPP, and the Standard of Living）》，载于《奥地利经济学评论（Review of Austrian Economics）》第1卷（1987年）。

\(^6\) 本书2003年正式出版数年后的2008年，就发生了源自美国的全球经济危机。
overwhelming majority of the public in Europe accepted monarchical rule as legitimate. Today, hardly anyone would do so. On the contrary, the idea of monarchical government is considered laughable. Consequently, a return to the ancien regime must be regarded as impossible. The legitimacy of monarchical rule appears to have been irretrievably lost. Nor would such a return be a genuine solution. For monarchies, whatever their relative merits, do exploit and do contribute to present-orientation as well. Rather, the idea of democratic-republican rule must be rendered equally if not more laughable, not in the least by identifying it as the source of the ongoing process of decivilization.

First, one must deny the legitimacy of the majority’s democratic and monarchic rule conceptions. 

23 The majority in Europe accepted monarchical rule as legitimate. But at the same time, and still more importantly, a positive alternative to monarchy and democracy—the idea of a natural order—must be delineated and understood. On the one hand, this involves the recognition that it is not exploitation, either monarchical or democratic, but private property, production, and voluntary exchange that are the ultimate sources of human civilization. On the other hand, it involves the recognition of a fundamental sociological insight (which incidentally also helps identify precisely where the historic opposition to monarchy went wrong): that the maintenance and preservation of a private property based exchange economy requires as its sociological presupposition the existence of a voluntarily acknowledged natural elite—a nobilitas naturalist.

*Footnotes*


2. For example, until 1871, in the event of an electoral crisis, the French Republic National Assembly elected 600 members, of whom only about 200 were republicans. The rest of the deputies were members of the Ancien Régime, that is, the bourgeois and aristocratic members of the Ancien Régime who had not been expelled by the revolutionaries. The restoration of the Ancien Régime was blocked.
但是同时更重要的是，人们必须去描绘和理解一种君主制与民主制的实证替代项（positive alternative）——自然秩序观念。一方面，这涉及到这样一种认知，即，私有财产、生产和自愿交换，而非剥削（无论是君主制还是民主制的剥削），才是人类文明的终极来源。另一方面，它也涉及到这样一种认知，即基本的社会学洞见——作为社会学理论前提，保存和维系基于交换经济的私有财产，要求存在一种被（人们）自愿认可的自然精英（自然新贵）
（顺便说一句，这种洞见也有助于准确地确定，对君主制的历史性反对哪里出现了错误。）

The natural outcome of the voluntary transactions between various private property owners is decidedly nonegalitarian, hierarchical, and elitist. As the result of widely diverse human talents, in every society of any degree of complexity a few individuals quickly acquire the status of an elite. Owing to superior achievements of wealth, wisdom, bravery or a combination thereof, some individuals come to possess "natural authority," and their opinions and judgments enjoy widespread respect. Moreover, because of selective mating and marriage and the laws of civil and genetic inheritance, positions of natural authority are more likely than not passed on within a few noble families. It is to the heads of these families with long-established records of superior achievement, farsightedness, and exemplary personal conduct that men turn with their conflicts and complaints against each other, and it is these very leaders of the natural elite who typically act as judges and peacemakers, often free of charge, out of a sense of obligation required and expected of a person of authority or even out of a principled concern for civil justice, as a privately produced "public good."

不同的私有财产所有者之间的自愿交易之自然结果，无疑是非平等主义的、等级主义的和精英主义的。由于人类天赋广泛不同，在每一个具备任何复杂度的社会中，少数个体很快就获得了精英地位。由于财富、智慧、勇气或以上兼而有之的禀赋带来的卓越成就，一些个体拥有了“自然权威”，他们的意见和裁断受到广泛尊重。进一步说，因为选择性交配、婚姻、民间法律和基因遗传，自然权威的地位很可能在少数贵族家庭中传递。正是这些家庭的首脑长久以来有着卓越成就，远见卓识和典范性的个人品行之记录，人们才会缓解（turn）彼此的冲突与抱怨；正是这些通常扮演法官或和平缔造者

64 自然精英（自然贵族），natural elite (a nobilitas naturalist)，自然精英，natural elite，此处是指社会中自然产生的精英，即在没有侵犯和压迫别人的情况下依靠自己的能力、财产和经济行为成为社会精英的人物，他们的精英地位是自然产生的，而不是依靠武力形成和维持的特权，也不依赖这种特权进行剥削和压迫，因此这种精英总是在不断产生也不断变化，所以是新贵（nobilitas）。naturalist，是指认为自然和社会都存在内在规律，可以用科学的方式来理解的学说及其倡导者。与一般所指的文学艺术、动植物学里的自然主义、博物学不是否同一种意涵。

65 原注：另见威廉•勒普克（Wilhelm Ropke）《人文经济学（A Humane Economy）》（Indianapolis, Ind.: Liberty Fund, 1971），第129-36页；德•儒弗内尔《论权力（On Power）》，第17章。
角色的自然精英领袖，出于个人权威角色所被要求和被期望的义务感，甚至是出于对民间正义（civil justice）原则的关切，而经常地去私人类地生产“公共财产”。

事实上，君主制的内生起源（与征服的外生起源相反），只能在违背自然精英先验秩序的背景下来理解。“自然秩序向君主统治的转变，其很小的，但是决定性的一步是对司法和缔造和平功能的垄断，这是原罪。一旦被人们自愿认可的自然精英之一员——国王——不顾社会精英成员之反对，坚持要求将特定领土内的所有冲突，都交由他处置并且冲突双方只能选择他，而不能再选择其他法官或和平缔造者，这一步就迈出来了。从这一刻起，法律与执法变得更加昂贵：它不再是免费提供或者自愿支付的，它借助于强制税收获取资金。同时，法律的质量也在恶化：与维持先前既存的法律，和运用普遍不变的正义原则相反，一个不必因为害怕因其判决不公而失去顾客的垄断性法官，可以连续不断地改变既存法律来使之对自己有利。

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67 原注: 关于政府的内生与外生起源理论的比较评估，以及对后者的不正确性或不彻底性的历史批判，见 Wilhelmtihihm《种族、族群与文化 (Rassen, Ethenion, Kulturen)》(Neuwied: Luchterhand, 1964), 第 248-319 页，尤其是第 291-296 页。

关于政府外生起源理论的支持意见见弗里德里希·拉采尔 (Friedrich Ratzel) 《地缘政治 (Politische Geographie)》(Munich, 1923); 奥本海默 (Oppenheimer) 《国家 (Der Staat)》; 亚历山大·里斯托 (Alexander Riistow) 《自由与支配 (Freedom and Domination)》(Princeton, N.J.; Princeton University Press, 1976)。

68 这是指一个社会背离了自然精英先验秩序后，就产生了君主制。见下文。
It was to a large extent the inflated price of justice and the perversions of ancient law by the kings which motivated the historical opposition to monarchy. However, confusion as to the causes of this phenomenon prevailed. There were those who recognized correctly that the problem lay with *monopoly*, not with elites or nobility. But they were far outnumbered by those who erroneously blamed it on the elitist character of the rulers instead, and who accordingly strove to maintain the monopoly of law and law enforcement and merely replace the king and the visible royal pomp by the "people" and the presumed modesty and decency of the "common man." Hence the historic success of democracy.

很大程度上，是法律裁判价格的膨胀，以及君主对古代法律（即先前既存的法律）的歪曲，刺激了历史上对君主制度的反对。然而，对这种现象的根源普遍存在着困惑。有些人正确地认识到问题出在垄断，而非精英或贵族。但是相反，错误地抱怨统治者的精英主义特质，并因此努力维持法律和执法垄断，仅仅是以“人民”或被假定为谦逊和体面的“普通人”取代国王的人，其人数远远超过了那些有正确认识的人。因此，民主获得了历史性的成功。

Ironically, the monarchy was then destroyed by the same social forces that kings had first stimulated when they began to exclude competing natural authorities from acting as judges. In order to overcome their resistance, kings typically aligned themselves with the people, the common man. Appealing to the always popular sentiment of envy, kings promised the people cheaper and better justice in exchange and at the expense of taxing—cutting down to size—their own betters (that is, the kings' competitors). When the kings' promises turned out to be empty, as was to be predicted, the same egalitarian sentiments which they had previously courted now focused and turned against them. After all, the king himself was a member of the nobility, and as a result of the exclusion of all other judges, his position had become only more elevated and elitist and his conduct only more arrogant. Accordingly, it appeared only logical then that kings, too, should be brought down and that the egalitarian policies, which monarchs had initiated, be carried through to their ultimate conclusion: the monopolistic control of the judiciary by the common man.

非常讽刺的是，当国王们开始排斥具有竞争性的自然权威担任法官时，在他们的刺激下产生的那种社会力量，当时同样破坏了君主制。为了压制这些自然权威的抵制，国王通常会与人民、与普通人联盟。为了迎合一直流行的嫉妒情绪，国王向人民允诺更加便宜和良好的正义，作为交换条件，并以向人民

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69 原注：见古斯塔夫·德·莫利纳里（Gustave de Molinari）《安保的生产（The Production of Security）》（New York: Center for Libertarian Studies, 1977），1849年最初以法语出版。

自己的，更好的法律服务者（也就是国王的竞争者）征税——缩小竞争者的规模——为代价。当国王的承诺变成一纸空文时，正如预测的那样，国王此前所取悦的同样的平等主义情绪，现在开始聚焦，并转而反对国王。7) 毕竟，国王自己也是贵族之一员，由于排斥了其他裁判者，国王的地位只会更高和更精英化，他的行为也只会更傲慢。因此，当时唯一合乎逻辑的似乎是，国王也应该被推翻，而由君主发起的平等主义政策应该贯彻到底：由普通人垄断性地掌控司法。

Predictably, as explained and illustrated in detail above, the democratization of law and law enforcement—the substitution of the people for the king—made matters only worse, however. The price of justice and peace has risen astronomically, and all the while the quality of law has steadily deteriorated to the point where the idea of law as a body of universal and immutable principles of justice has almost disappeared from public opinion and has been replaced by the idea of law as legislation (government-made law). At the same time, democracy has succeeded where monarchy only made a modest beginning: in the ultimate destruction of the natural elites. The fortunes of great families have dissipated, and their tradition of culture and economic independence, intellectual farsightedness, and moral and spiritual leadership has been forgotten. Rich men still exist today, but more frequently than not they owe their fortune now directly or indirectly to the state. Hence, they are often more dependent on the state's continued favors than people of far lesser wealth. They are typically no longer the heads of long established leading families but nouveaux riches. Their conduct is not marked by special virtue, dignity, or taste but is a reflection of the same proletarian mass-culture of present-orientedness, opportunism, and hedonism that the rich now share with everyone else; consequently, their opinions carry no more weight in public opinion than anyone else's.

然而，可以预见的是，正如上文详细解释和说明的那样，法律和执法的民主化——人民取代国王——只会使问题变得更糟。正义与和平的代价急剧上升，而法律的质量却逐步恶化到这样的程度，即法律
是普遍不变的正义原则之载体的观念，已经几乎从公共舆论中消失，并被法律即立法（政府造法）的观念所取代。同时，君主制只是温和开开启了摧毁自然精英的进程，而在这件事上，民主取得了成功，它最终彻底摧毁了自然精英。伟大家族的福运已经消散，他们的文化传统、经济独立、智识远见和道德与精神的领导力，已经被世人遗忘。今天仍然存在着富人，但他们的财富更多地直接或间接归功于国家。因此，他们往往比贫穷的人更依赖国家的持续恩惠。他们通常不再是老牌世家的首领，而是暴发户。他们的行为不再以特别的美德、尊严和品味为特征，而是反映了与其出身相同的无产者（proletarian）的当下取向、乐观主义和享乐主义的大众文化特征，富人们如今与其他人共享同一类价值观；因此，他们的意见不会比公共舆论中其他人的意见更有分量。

Hence, when democratic rule has finally exhausted its legitimacy the problem faced will be significantly more difficult than when kings lost their legitimacy. Then, it would have been sufficient to abolish the king’s monopoly of law and law enforcement and replace it with a natural order of competing jurisdictions, because remnants of natural elites who could have taken on this task still existed. Now, this will no longer suffice. If the monopoly of law and law enforcement of democratic governments is dissolved, there appears to be no other authority to whom one can turn for justice, and chaos would seem to be inevitable. Thus, in addition to advocating the abdication of democracy, it is now of central strategic importance that at the same time ideological support be given to all decentralizing or even secessionist social forces. In other words, the tendency toward political centralization that has characterized the Western world for many centuries, first under monarchical rule and then under democratic auspices, must be systematically reversed. Even if as a result of a secessionist tendency a new government, whether democratic or not, should spring up, territorially smaller governments and increased political competition will tend to encourage moderation as regards exploitation. In any case, only in small regions, communities or districts will it be possible again for a few individuals, based on the popular recognition of their economic independence, outstanding professional achievement, morally impeccable personal life, and superior judgment and taste, to rise to the rank of natural, voluntarily acknowledged authorities and lend legitimacy to the idea of a natural order of competing judges and overlapping jurisdictions—an "anarchic" private law society—as the answer to monarchy and democracy.
在任何一个健全的社会中，领导力、责任感和对引导社会的规范与价值的惩戒性捍卫（exemplary defense），是少数人高尚的责任和不可挑战的权利。这少数人形成了，并且也被人们乐意地、尊敬地认可为按各人表现所划分的社会金字塔等级的顶端。乌合社会（mass society）……必须以个体领导力来抵消。这种领导力不应来自于标新立异的天才或怪人，或者诡异的知识分子，相反，应该来自有勇气拒绝古怪的标新立异，并追求经过历史证明的、不可摧毁的真正的人类价值的人。换句话说，我们需要…… “文明的禁欲主义者” 的领导，可以说，他们是世俗圣徒，他们在这个时代所占据的位置，在任何时代任何社会都必须不能长久地空缺。那些说必须用“精英的反叛” 来对抗“群众的反叛” 的人，心里就是这样想的。……我们需要的是真正的自然主义新贵。没有任何一个时代能离开它，我们这个时代这么多事物都摇摇欲坠，更是离不开它。我们需要这样的自然贵族——他们的权威被所有人幸运地，自愿地接受；我们需要这样的精英——他们的权利完全来自卓越的表现和无与伦比的道德风范，他们在这种人这种人生被人们赋予了道德尊严。任何一个时代这么多事物都摇摇欲坠，更是离不开它。我们需要这样的自然贵族——他们的权威被所有人幸运地，自愿地接受；我们需要这样的精英——他们的权利完全来自卓越的表现和无与伦比的道德风范，他们在这种人这种人生被人们赋予了道德尊严。
It is appropriate to begin with a few observations on Ludwig von Mises, and his idea of a free society.

The program of liberalism, wrote Mises, if condensed into a single word, would have to read: property, that is, private ownership of the means of production (for in regard to commodities ready for consumption, private property is a matter of course and is not disputed even by the socialists and communists). All the other demands of liberalism result from this fundamental demand.\(^1\)

Based on private property, Mises explained, the emergence of society—human cooperation was the result of the natural diversity of people and property and the recognition that work performed under division of labor is more productive than work performed in self-sufficient isolation. He explained:

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\(^1\) 原著：路德维希・冯・米塞斯《自由主义：在古典传统中》《Liberalism: In the Classical Tradition》(Irvington-on-Hudson, N.Y.: Foundation for Economic Education, 1985), 第19页。
米塞斯解释道，基于私有财产，社会（即人类合作）的出现，是人与财产的自然多样性的结果，以及认识到人们的工作在劳动分工条件下比自给自足的孤立状态下更有生产力的结果。他说：

如果并且只要在分工条件下劳动比孤立状态更有生产力，如果并且只要人们能够认识到这一事实，人的行动自己就会趋向合作与联系；……经验告诉我们，这种在劳动分工下实现更高生产力的条件之所以存在，是因为其根源——即人与生俱来的不平等以及自然生产要素在地理分布上的不平等是真实存在的。因此，我们能够理解社会演化的过程。2

如果社会中涌现出来的分工之下的人的合作可以解释为自利行动之结果，那么同样真切（true）的是，杀人犯、劫匪、小偷、暴徒和骗子也总是存在，人类就是这个样子。除非这些人受到人身惩处之威胁，否则社会生活将会是不可忍受的。米塞斯写道，

... that without resort to compulsion, the existence of society would be endangered and that behind the rules of conduct whose observance is necessary to assure peaceful human cooperation must stand the threat of force if the whole edifice of society is not to be continually at the mercy of any one of its members. One must be in a position to compel the person who will not respect the lives, health, personal freedom, or private property of others to acquiesce in the rules of life in society. This is

2 原注：路德维希·冯·米塞斯《人的行动：经济学论文》（Chicago: Regenery, 1966），第160–161页。
the function that the liberal doctrine assigns to the state: the protection of property, liberty, and peace.

If this is accepted, how is a government to be organized so as to assure that it will in fact do what it is supposed to do: protect pre-existing private property rights? In view of what I shall say later on in favor of the institution of monarchy, Mises's liberal opposition to the ancien regime of absolute kings and princes is worth noting here. Kings and princes were privileged personae. Almost by definition, they stood opposed to the liberal idea of the unity and universality of law. Thus, Mises stated, the liberal theory of the state is hostile to princes.

The princely state has no natural boundaries. To be an increaser of his family estate is the ideal of the prince; he strives to leave his successor more land than he inherited from his father. To keep on acquiring new possessions until one encounters an equally strong or stronger adversary—that is the striving of kings. Princes regard countries no differently from the way an estate owner regards his forests, meadows, and fields. They sell them, they exchange them (e.g., "rounding off" boundaries); and each time rule over the inhabitants is transferred also. ... Lands and peoples are, in the eyes of princes, nothing but objects of princely ownership; the former form the basis of sovereignty, the latter the appurtenances of landownership. From the people who live in "his" land the prince demands obedience and loyalty; he regards them almost as his property.

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3 原注：米塞斯《自由主义》第 37 页。
对米塞斯来说，解体（统治意味着）危险。王权国家不遗余力地为扩张领土和增加臣民数量奋斗，它旨在获得土地，或者互相隔绝的飞地，通过协商和交换的方式，使之连通并让边界看上去平滑或齐整。王公命令居住在“他的”土地上的人民必须服从和效忠；他几乎将人民视为自己的财产。

As Mises rejected a princely state as incompatible with the protection of private property rights，what was to be substituted for it? His answer was democracy and democratic government. However，Mises’s definition of democratic government is fundamentally different from its colloquial meaning. Mises grew up in a multinational state and was painfully aware of the antiliberal results of majority rule in ethnically mixed territories.5 Rather than majority rule，to Mises democracy meant literally "self-determination，self-government，self-rule，"6 and accordingly，a democratic government was an essentially voluntary membership organization in that it recognized each of its constituents’ unrestricted right to secession. "Liberalism，" explained Mises，

米塞斯反对王权国家，认为它与保护私有产权不相容，那么用什么来取代它呢？他的答案是民主和民主政府。然而，米塞斯对民主政府的定义与其通俗含义有着根本的不同。米塞斯成长为多民族国家，痛苦地意识到在民族（ethnically）混合地区实行多数统治的反自由主义后果。与多数统治相反，对米

4 rounding off，其原意之一，是打磨，修圆。这里是指将犬牙交错的边界，或者互相隔绝的飞地，通过协商和交换的方式，使之连通并让边界看上去平滑或齐整，方便管理。

5 原注：路德维希·冯·米塞斯《民族、国家和经济：对我们时代的政治和历史的贡献（Nation，State，and Economy：Contributions to the Politics and History of Our Time）》（NewYork：New York University Press，1983），第32-33页。此外，米塞斯说，王权国家不遗余力地为扩张领土和增加臣民数量奋斗。一方面，它旨在获得土地，鼓励人口移入；另一方面，它对对外移民进行最严厉的惩罚。土地和臣民越多，财税收入和士兵就越多。国家的维系完全依赖于国家的大小。小国总是有被大国吞并的危险。（第39页）

6 原注：米塞斯写道：“在多语种地区，实行多数原则不会给所有人带来自由，而只会带来多数人对少数人的统治……多数统治意味着……对一部分人来说，不是平民统治而是被外国人统治”（同上，第55和56页）。哈布斯堡-奥地利（Habsburg-Austria）是一个多民族国家但其基础是日耳曼国家，在这种特殊环境下，实行多数主义原则不仅会促进帝国的解体，实际上，无论帝国是否解体，民主都会导致制度性地对付日耳曼人，并最终导致日耳曼人的“民族自杀”（第117页）。对米塞斯来说，这是日耳曼自由主义者在奥地利的“悲惨处境”（第115页）“奥地利的民主化与去日耳曼化是同步的”（第126页）。

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塞斯来说，民主的真正意义是“自决、自我管理、自我统治”。因此，民主政府本质上是自愿加入的组织，它承认每一个选民都有不受限制的分离权。米塞斯解释道：

forces no one against his will into the structure of the state. Whoever wants to emigrate is not held back. When a part of the people of a state wants to drop out of the union, liberalism does not hinder it from doing so. Colonies that want to become independent need only do so. The nation as an organic entity can be neither increased nor reduced by changes in states; the world as a whole can neither win nor lose from them.  

The right of self-determination in regard to the question of membership in a state thus means: whenever the inhabitants of a particular territory, whether it be a single village, a whole district, or a series of adjacent districts, make it known, by a freely conducted plebiscite, that they no longer wish to remain united to the state to which they belong at the time, their wishes are to be respected and complied with. This is the only feasible and effective way of preventing revolutions and international wars...If it were in any way possible to grant this right of self-determination to every individual person, it would have to be done.  

自由主义不在违背人们意愿的情况下强迫任何人加入国家，不会把任何想移民的人都抓回来。当国家中的部分人想退出联邦时，自由主义并不阻止他们这样做。想要独立的殖民地让它独立好了。民族作为一个有机的实体，不会因国家的变化而有所增减；整个世界，不会因国家的变化而有所得或有所失。  

因此，与国家中的成员资格问题有关的自决权意味着：无论什么时候，只要特定领土——无论是单个村庄、整个地区或一系列相连的地区——上的居民通过自由的公投，让人们知道他们不再愿意与当时所属的国家保持联合，他们的意愿就应该受到尊重和遵从。这是阻止革命和国际战争唯一可行和有效的方式……如果有任何方式可能确保每个人的自决权，那就必须照此行事。  

原注：同上，第 46 页。

原注：同上，第 39-40 页。

原注：米塞斯《自由主义》，第 109-110 页。米塞斯对无限制的分离主义的反对理由完全是技术性的（经济的规模等）。因此，举例来说，米塞斯承认很难想象“在一个民族混杂的城市里建立两支警察部队，也许一支是德国警察和一支是捷克警察，每支部队只能对本民族成员采取行动。”《民族、国家和经济（Nation, State, and Economy）》，第 53 页。另一方面，米塞斯指出，现代政治观念允许持续存在的小国家比几百年前更安全……当劳动分工涵盖广袤的土地，整片大陆，甚至整个世界时，检验国家成分中的经济自给自足程度是不可能的。一个国家的居民是直接还是间接地以国内产品来满足自己的需要并不重要；重要的只是他们能完全得到满足……甚至在国家结构是统一的时候，他们（脱离的居民）也不是无偿获得（他们进口的）财货，而是以提供价值作为回报；这种价值在政治共同体解体后，并不会变得更高……因此，国家领土的规模并不重要。（第 81-82 页）
Hence, Mises's answer as to how to assure that a government will protect property rights is through the threat of unlimited secession and its own characteristic of voluntary membership.

因此，对于如何确保政府会保护财产权，米塞斯的回答是，以无限脱离相威胁和保持其本来的自愿加入特点。
I do not wish to further investigate Mises's idea of democratic government here but to turn instead to the modern definition of democracy and the question of its compatibility with the foundation of liberalism: that of private property and its protection.

It might be argued that Mises's definition of democratic government was applicable to the U.S. until 1861. Until then, it was generally held that the right to secession existed and that the Union was nothing but a voluntary association of independent states. However, after the crushing defeat and devastation of the secessionist Confederacy by Lincoln and the Union, it was clear that the right to secede no longer existed and that democracy meant absolute and unlimited majority rule. Nor does it appear that any state since that time has met Mises's definition of democratic government. Instead, like their American model, all modern democracies are compulsory membership organizations.

It is all the more surprising that Mises never subjected this modern model of democracy to the same systematic analysis that he had applied to princely government. To be sure, no one has been more farsighted regarding the destructive effects of modern governments' social and economic policies than Mises, and no one has recognized more clearly the dramatic increase of state power in the course of the twentieth century, but Mises never connected these phenomena systematically with modern compulsory democracy. Nowhere did he suggest that the decline of liberalism and the dominance of anticapitalist political ideologies in this century of socialism, social democracy, democratic capitalism, social market economics or whatever other
label has been attached to various antiliberal programs and policies finds its systematic explanation in majoritarian democracy itself.

What I propose to do here is to fill in the gap left by Mises and provide an analysis of the logic of majoritarian democracy, thereby making modern history—our age—intelligible and predictable.

I here attempt to fill in the gap left by Mises and to provide an analysis of the logic of majoritarian democracy, thereby making modern history—our age—intelligible and predictable.
Without the right to secession, a democratic government is, economically speaking, a compulsory territorial monopolist of protection and ultimate decisionmaking (jurisdiction) and is in this respect indistinguishable from princely government. Just as princes did not allow secession, so it is outlawed under democracy. Furthermore, as implied in the position of a compulsory monopolist, both democratic government as well as princes possess the right to tax. That is, both are permitted to determine unilaterally, without consent of the protected, the sum that the protected must pay for their own protection.

From this common classification as compulsory monopolies, a fundamental similarity of both princely and democratic government can be deduced: Under monopolistic auspices, the price of justice and protection will continually rise and the quantity and quality of justice and protection fall. Qua expropriating property protector, a tax-funded protection agency is a contradiction in terms and will inevitably lead to more taxes and less protection. Even if, as liberals advocate, a government limited its activities exclusively to the protection of pre-existing property rights, the further question of how much protection to produce arises. Motivated (as everyone is) by self-interest and the disutility of labor but with the unique power to tax, a government agent's response will invariably be the same: To maximize expenditures on protection, and conceivably almost all of a nation's wealth can be consumed by the cost of protection, and at the same time to minimize the actual production of protection. The more money one can spend and the less one must work to produce, the better off one will be.
从这种对强制性垄断的分类中，可以总结出王权和民主政府都具备的一个基本相似之处：在垄断的支撑下，正义和保护（justice and protection）的价格会持续上涨，而其数量和质量会下降。作为征掠财产的保护者，由征税提供资金的保护机构是一个自相矛盾的概念，它不可避免地会导致更多的征税和更少的保护。即便如自由主义者所主张的，政府活动要仅限于保护先前既存的财产权利，也会出现“该提供多少‘保护’”这个更进一步的问题。对政府可以采取的行动之任何限制，都是由政府由某个机构和类似的制度设计来决定的。可以预判，财产与保护的定义会被持续地改变，司法管辖权范围会扩张到有利于政府为止。

Moreover, a monopoly of jurisdiction will inevitably lead to a steady deterioration in the quality of protection. If one can appeal exclusively to government for justice, justice will be distorted in favor of government, constitutions and appeals courts notwithstanding. Constitutions and appeals courts are government agencies, and any limitations on government action they might provide are invariably decided by agents of one and the same institution. Predictably, the definition of property and protection will continually be altered and the range of jurisdiction expanded to the government's advantage.

此外，司法管辖权的垄断不可避免会误导保安质量的持续恶化。如果人们只能向政府诉求正义，正义就会被扭曲至有利于政府，有宪法和上诉法院也不例外。宪法和上诉法院是政府的组成部分，是政府机构，对政府可以采取的行动之任何限制，总是由政府由某个机构和类似的制度设计来决定的。可以预见，财产与保护的定义会持续地改变，司法管辖权范围会扩张到有利于政府为止。

While they are both inconsistent with the protection of life and property, princely and democratic government are also different in one fundamental respect. The decisive difference lies in the fact that entry into a princely government is systematically restricted by the prince's personal discretion, while under democracy entry into and participation in government is open to everyone on equal terms. Anyone not just a hereditary class of nobles is permitted to become a government official and exercise any government function, all the way up to that of prime minister or president.

Typically, this distinction between restricted versus free entry into government and the transition from princely to democratic government has been interpreted as an advance toward liberalism: from a society of status and privilege to one of equality before the law. But this interpretation rests on a fundamental misunderstanding. From a classical-liberal point of view, democratic government must be considered worse than and a regression from princely government.

Free and equal entry into government democratic equality is something entirely different from and incompatible with the classical-liberal concept of one universal law, equally applicable to everyone, everywhere, and at all times. Liberalism, Mises noted, "strives for the greatest possible unification of law, in the last analysis for world unity of law." However, free entry into government does not accomplish this goal. To the contrary, the objectionable inequality of the higher law of princes versus the
subordinate law of ordinary subjects is preserved under democracy in the separation of public versus private law and the supremacy of the former over the latter. Under democracy, everyone is equal insofar as entry into government is open to all on the same terms. In a democracy no personal privileges or privileged persons exist. However, functional privileges and privileged functions exist. As long as they act in an official capacity, democratic government agents are governed and protected by public law and thereby occupy a privileged position vis-à-vis persons acting under the mere authority of private law (most fundamentally in being permitted to support their own activities by taxes imposed on private law subjects). Privileges, discrimination, and protectionism do not disappear. To the contrary. Rather than being restricted to princes and nobles, privileges, discrimination, and protectionism can be exercised by and accorded to everyone.

Predictably, under democratic conditions the tendency of every compulsory monopoly to increase prices and decrease quality is strengthened. As a hereditary monopolist, a prince regards the territory and people under his jurisdiction as his personal property and engages in the monopolistic exploitation of his "property." Under democracy, exploitation does not disappear. Even though everyone is permitted to enter government, this does not eliminate the distinction between the rulers and the ruled. Government and the governed are not one and the same person. Instead of a prince who considers the country his private property, a temporary and interchangeable caretaker is put in monopolistic charge. The caretaker does not own the country, but as long as he is in office he is permitted to use it to his and his proteges' advantage. He owns its current use, usufruct, but not its capital stock. This does not eliminate exploitation. Rather, it makes exploitation less calculating and carried out with little or no regard to the capital stock. In other words, it is shortsighted.

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1 原注：米塞斯《民族、国家和经济（Nation, State, and Economy）》，第38页。
可以预见的是，在民主条件下，每一种抬价降质的强制垄断之趋势都得到了强化。作为世袭垄断者，君主将自己辖下的领土与人民视为其个人财产，并对其“财产”进行垄断性的剥削。在民主制度下，剥削没有消失。即便每个人都可以进入政府，也不会消除统治者与被统治者的区别。政府和被统治者，不是同一个人。与认为国家是其私有财产的君主相反，民主制度下，一个暂时的、可以内部变换的看管人负责垄断。看管人不拥有国家，但是只要他在位，他就可以运用垄断为自己及其扈从获利。他拥有其当前使用权、用益权，但是不拥有其资本存量（capital stock）。这不会消除剥削。更确切地说，它让剥削缺乏核算，导致甚少关心，甚至无视其资本存量。换句话说，它是短视的。\(^2\)

Both hereditary princes and democratic caretakers can increase their current spending by means of higher taxes. However, a prince tends to avoid increasing taxes if this leads to capital consumption—a drop in the present discounted value of the capital stock of which he is the owner. In contrast, a caretaker shows no such reluctance. While he owns the present tax-revenue, he does not own the capital stock from which it is derived—others do. Accordingly, under democratic conditions taxation increases far beyond its level under princely rule.

世袭君主和民主看管人都可以通过提高税收来增加当前开支。然而，如果会导致资本消耗，即其资本存量的折现价值下降，那么，君主会避免加税。相反，看管人没有显示出这种相关性。尽管他拥有当下财税收入，但他不拥有衍生出这种财税收入的资本存量，而王公才拥有。因此，在民主的条件税收会增加到远超于王权统治下的水平。

In addition, both princes and caretakers can increase their current spending by means of debt, and endowed with the power to tax, both tend to incur more debt than would private citizens. However, whereas a prince assumes a liability against his personal property whenever he borrows from (sells bonds to) the nongovernment public (hence the present value of his property falls), a democratic caretaker is free of any such consideration. He can enjoy all the benefits of higher current spending, while the liability and concurrent drop in property values falls upon others. Accordingly, government debt is higher and increases faster under democratic conditions than under princely rule.

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此外，无论王公还是看管人都可以通过举债来增加当前开支，并且因为被赋予了征税权力，他们都会倾向于比私人承担更多债务。然而，王公无论何时从非政府公众手中借钱（即向他们兜售债券，并因此导致其财产现值下降），王公都会宣称以个人财产担保，民主的看管人则不受任何此类考虑约束。他能够享有当前高支出的所有好处，而负债的法律责任和同时发生的财产现值下降之后果，则落在了其他人身上。因此，民主条件下，政府负债的增长会比王权统治下更快。

Finally, both princes and caretakers can use their compulsory monopoly power to gain control over the money supply, so both can also increase their own present spending by inflating the supply of money. However, a prince who inflates the money supply will weigh two factors: his immediate enrichment and the fact that, as the inevitable result of a larger money supply, the future purchasing power of money and of his own future taxes will be lower. Unlike a prince, a democratic caretaker is concerned only with his immediate enrichment, for he does not own current and future tax revenues. He only owns the present tax revenue, so he is solely concerned with the present purchasing power of money. By increasing the money supply, he can increase his present purchasing power, while the attendant lower purchasing power of money and tax receipts must be born in the future by others. Accordingly, money inflation will also be more prevalent under democratic conditions than under princely rule.

最后，君主和看管人都能利用他们的强制垄断权力来获得对货币供给的控制权，因此他们也都可以通过膨胀货币供给来增加当前支出。然而，膨胀货币供给的君主会权衡两个因素：（1）其短时财富增长状况和（2）作为货币供给增加的必然结果——货币的未来购买力以及他自己未来的税入会更低。与君主不同，民主看管人只关心其短时的财富增长，因为他不拥有现在和未来的财税收入。他只拥有当前财税收入，所以他只会考虑货币的当前购买力。通过增加货币供给，他能够增加当前购买力，而随之而来的货币及税入购买力之降低，必定发生在未来其他人身上。因此，在民主条件下，货币膨胀也会比王权统治更为普遍。
Moreover, with free entry into and participation in government, the perversion of justice and protection (law and order) will proceed even faster. The notion of universal and immutable human rights and in particular of property rights essentially disappears and is replaced by that of law as government-made legislation and rights as government-given grants.\footnote{原注: 关于法律和立法之间的根本区别, 见布鲁诺·莱奥尼（Bruno Leoni）《自由与法律（Freedom and the Law）》（Indianapolis, Ind.: Liberty Fund, 1991）；弗里德里希·A·哈耶克《法律、立法和自由（Law, Legislation and Liberty）》，第 2 卷第 1 编: 规则和秩序（Rules and Order）（Chicago: University of Chicago Press, 1973）；穆瑞·N·罗斯巴德，《自由的伦理（The Ethics of Liberty）》（New York: New York University Press, 1998）。}


Rather than just redistributing income and wealth from civil society onto government by means of taxation, deficit financing, and money inflation, both hereditary princes and democratic caretakers can also use their monopoly of jurisdiction for the redistribution of income and wealth within civil society. The incentives faced in this regard by princes and caretakers are distinctly different, however.

世袭王公和民主的看管者不仅可以通过税收、财政赤字和货币膨胀将收入和财富从民间社会重新分配给政府，而且还可以利用他们对司法管辖权垄断，在民间社会内重新分配收入与财富。然而，在这方面，君主与看管人所面临的激励也截然不同。

It is instructive to take another look at princely government. As regards redistribution, princes face two disincentives. The first is a logical one. Even though a prince ranks above everyone else, his rights, too, are private rights, albeit of a somewhat elevated kind. If a prince takes the property of one person and distributes it to another, he undermines the principle on which his own position and security \textit{vis-a-vis} other princes rests.\footnote{原注: 关于法律和立法之间的根本区别, 见布鲁诺·莱奥尼（Bruno Leoni）《自由与法律（Freedom and the Law）》（Indianapolis, Ind.: Liberty Fund, 1991）；弗里德里希·A·哈耶克《法律、立法和自由（Law, Legislation and Liberty）》，第 2 卷第 1 编: 规则和秩序（Rules and Order）（Chicago: University of Chicago Press, 1973）；穆瑞·N·罗斯巴德，《自由的伦理（The Ethics of Liberty）》（New York: New York University Press, 1998）。}

Second, from an economic point of view, all general income and wealth redistribution from the
"haves" of something to the "have-nots" is counterproductive and reduces the overall value of the territory. This is not to say that princes abstain from redistributive policies entirely, but their policies take a distinctly different form. On the one hand, they must appear in accordance with the idea of private property rights; on the other hand, they should increase future productivity and hence the country's present value. Accordingly, princes typically grant personal rather than group privileges; they award privileges to haves instead of havenots, and they attend to so called "social problems" by reallocating labor cultivation, acculturation, and colonization policies rather than redistributing income and wealth.

从另一个角度看待王权政府，能够给人启发。在再分配方面，君主们面临两种制约。首先是逻辑上的制约。即便君主的等级地位高于所有其他人，他的权利也只是私人权利，尽管是有点高的那种。如果君主拿走某个人的财产分给另一个人，他就会从根本上动摇自己相对于其他君主的地位与安全所依赖的原则。第二，从经济学的观点看，总体上说，从“富有者”到“贫乏者”的收入与财富再分配都会事与愿违，并削减版图的整体价值。这不是说君主们会彻底放弃再分配政策，而是说他们的政策会采取截然不同的形式。另一方面，他们必须看上去遵从私有财产权观念；另一方面，他们会去增加未来的产出，从而增加国家的当前价值。因此，君主们通常会将特权赠予个人而非群体；他们将特权给予富有者而非贫乏者，他们会通过重新配置劳动力的培育（cultivation）政策、文化整合（acculturation）政策和殖民（colonization）政策而非重新分配收入与财富，来处理所谓的“社会问题”。

In contrast, a democratic caretaker faces no logical obstacle to the redistribution of private property. Rather than involving himself with the preservation and improvement of capital values, he will be concerned primarily with the protection and advancement of his own position against the competition of new government entrants.

相反，民主的看管人在私有财产的再分配上，没有任何逻辑上的障碍。他会主要关注保护和提高自己的地位，以应对政府新晋成员的竞争，而非让自己参与维系和提升资本价值。

This type of caretaker's legitimacy does not rest on the legitimacy of private property. It rests on the legitimacy of "social" or "public" property. Thus, if he takes property from one person and gives it to another, as a caretaker he does not contradict his own ideological foundation. Rather, he affirms the supremacy of the

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2 原注：另见贝特朗·德·儒弗内尔（Bertrand de Jouvenel）《主权：对政治之善的研究（Sovereignty: An Inquiry into the Political Good）》（Chicago: University of Chicago Press, 1957），第172-173页，第189页。
different principle of social ownership. Consequently, under democratic conditions private law—the law of property and contract underlying civil society—disappears as an independent domain of law and is absorbed by an all-encompassing public—government made—law (legislation). As the German socialist legal theorist Gustav Radbruch noted, from the perspective of a democratic caretaker 'private law is to be regarded only as a provisional and constantly decreasing range of private initiative, temporarily spared within the all-comprehensive sphere of public law.' Ultimately, all property is public property. Each established private property right is only provisionally valid and may be altered in accordance with a caretaker's unilateral determination of the requirements of "public safety" and "social security."

这种类型的看管人的合法性不依赖于私有财产的合法性。它取决于“社会”或“公共”财产的合法性。因此，如果他把某人的财产拿出来给另一个人，作为看管者，这种行为并不与他自己的观念基础相抵触。相反，他的行为确认了不同于私人所有权的社会所有权原则具有至高无上的地位。因此，在民主条件下，私法——民间社会基础性的财产与合同法——作为一个独立的法律领域消失了，它被一种包罗万象的公共——即政府制造的——法律（立法）所吸纳。正如德国社会主义法学理论家古斯塔夫·拉德布鲁赫（Gustav Radbruch）所指出的，从民主的看管人的视角看，“私法只应被视为临时的、持续地缩减私人主动性的范围，它只是暂时不在囊括一切的公法领域之内。”最终，所有财产都是公共财产。每一种已经确立的私有财产权利都只是临时有效，可以根据看管人单方面决定的“公共安全”和“社会保障”的要求对它进行变更。

Second and more specifically, because caretakers do not own the country's capital stock, the counterproductive effects of income and wealth redistribution are of little or no concern. However, the long-term repercussions of redistributive measures are unimportant to them, while their immediate and short-term effects are not. A caretaker is always under the pressure of political competition from others seeking to replace him. Given the rules of democratic government—of one-man-one-vote and majority rule—a caretaker, whether to secure his present position or advance to another, must award or promise to award privileges to groups rather than particular individuals, and given that there always exist more have-nots than haves of everything worth having, his redistribution will be egalitarian rather than elitist. Accordingly, as the result of democratic competition the character structure of society will be progressively deformed.

1 原注：古斯塔夫·拉德布鲁赫 (Gustav Radbruch) 《人权（DerMensch im Recht）》（Göttingen: Vandenhoeck, 1927年），第40页。
第二，更具体地说，因为看管人不拥有国家的资本存量，收入与财富再分配的反生产性（counterproductive）后果与他几乎或者根本没有任何关系。然而，尽管再分配措施的长期恶果对他们来说不重要，但其即时和短期影响却不然。看管人总是处于来自那些想取代他的人的政治竞争的压力之下。鉴于民主政府的一人一票和多数统治的规则，看管人无论是要保住自己目前的地位，还是想晋升到其他职位，都必须向

民主会带来社会的堕落
社会生活会变得越来越不愉快。而非拥有者和非生产者的数量会增加而非拥有者和非生产者的数量会增加而非拥有者和非生产者的数量会增加，看管人的再分配是平等主义而非精英主义的。因此，由于民主化的竞争，社会的性格结构（character structure）会逐渐走样。

For one, regardless of the criteria on which it is based, all redistribution involves "taking" from an original owner and/or producer—the "haver" of something—and "giving" to another nonowner and/or nonproducer—the "nonhaver" of this thing. The incentive to be an original owner or producer of the thing in question is reduced, and the incentive to be a nonowner and nonproducer is raised. Consequently, the number of havers and producers declines and that of nonhavers and nonproducers rises. And since it is presumably

something good that is being redistributed—of which the haver-producers have too much and the nonhaver-nonproducers too little, this change implies quite literally that the relative number of bad or not-so-good people and bad or not-so-good personal characteristics and habits will continually rise, and life in society will become increasingly less pleasant. Rather than colonization, cultivation, and acculturation, democracy will bring about social degeneration, corruption, and decay.

举个例子，所有再分配，不管其基于何种标准，都涉及从原初所有者和/或生产者（某物的“拥有者”）手中“拿走”（某物）和“给予”非所有者和非生产者（“不拥有”某物者）。成为一个所涉物品的原初所有者或生产者的动机就被削弱了，而成为非所有者和非生产者的动机增强了。因此，拥有者和生产者的动机减少，而非拥有者和非生产者的动机增加。既然大概有什么“富有者和生产者手中太多，而非拥有者和非生产者手中太少”的好东西正在被再分配，那么这种变化实际上就意味着，坏人或不那么善良的人的数量，以及坏的或不那么善良的个人品质与习惯会持续增加，社会生活会变得越来越让人不适。民主会带来社会的堕落、腐败和衰退，而非拓殖、培育和文化整合。

4 character structure，心理学专有名词，本来是指一个人的性格的综合体，这里引申为一个社会的性格综合体，即某个社会呈现出来的性格特征——比如是节俭致富、诚实上进、放眼未来、尊重精英/能者，还是热衷消费、当下取向、鄙弃道德、蔑视精英等等。根据前文阐述，民主化竞争之下，政府的再分配会导向平等主义，平等主义的泛滥必然带来原有的社会的性格结构的变化。
Moreover, free competition is not always good. Free competition in the production of goods is good, but free competition in the production of bads is not. Free competition in the torturing and killing of innocents, or free competition in counterfeiting or swindling, for instance, is not good; it is worse than bad. It has already been explained why government as a compulsory membership organization endowed with the power of ultimate decisionmaking and taxation must be considered a bad, at least from a liberal viewpoint. It requires a second look to realize that democratic competition is indeed worse than bad.

In every society, as long as mankind is what it is, people who covet another man's property will exist. Some people are more afflicted by this sentiment than others. But people usually learn not to act on such feelings or even feel ashamed for entertaining them. Generally only a few individuals are unable to successfully suppress their desire for others' property, and they are treated as criminals by their fellow men and repressed by physical punishment. Under princely rule, only one single person—the prince—can possibly act on the desire for another man's property, and it is this which makes him a potential danger and a "bad." Apart from the already noted logical and economic disincentives, however, a prince is further restrained in his redistributive desires by the circumstance that all members of society have learned to regard the taking and redistributing of another man's property as shameful and immoral and accordingly watch a prince's every action with utmost suspicion. In distinct contrast, by freeing up entry into government, everyone is permitted to openly express his desire for other men's property. What was formerly regarded as immoral and accordingly suppressed is now considered a legitimate sentiment. Everyone may openly covet everyone else's property, as long as he appeals to democracy; and everyone may act on his desire for another man's property, provided that he finds entrance into government. Hence, under democracy everyone becomes a threat.

每一个社会都存在觊觎他人财产的人. 人类就是这样。有些人总是比其他人更容易受到这种念头的折磨。但人们通常明白不要按此念头行动，或者甚至为心怀此念而感到羞耻。通常情况下只有少数个体无法成功地压制自己对他人财产的欲望，他们的同胞会把他们当做罪犯来对待，并以人身惩处对他们进行镇压。

在王权统治下，只有一个人——君主——能够就自己对他人财产的欲求采取行动，就是这一点使他成为一个潜在的危险和“坏人”。然而，除了已经指出的逻辑和经济上的制约外，环境也进一步约束了君主的再分配欲望，这种环境是指，所有社会成员都学会了将拿走或者再分配他人财产，视为可耻的和非道德的行为，并因此以最大限度的怀疑来监察君主的每一个行动。与此形成鲜明对比的是，通过自由开放政府入口，每个人都被允许公开表达自己对他人财产的渴望。以前被视为非道德的，并因此被压抑的念头，现在被认为是一种正当的想法。只要诉诸民主，每个人都可以公开觊觎他人的财产；只要找到了进入政府的入口，每个人都可以就自己对他人财产之欲求而行动。因此，民主制度下，每个人都变成了一种威胁。

Consequently, under democratic conditions the popular, if immoral and anti-social, desire for other men's property is systematically strengthened. Every demand is legitimate, if it is proclaimed publicly under the special protection of "freedom of speech." Everything can be said and claimed, and everything is up for grabs. Not even the seemingly most secure private property right is exempt from redistributive demands. Worse, subject to mass elections, those members of society with little or no moral inhibition against taking another man's property, habitual amoralists who are most talented in assembling majorities from a multitude of morally uninhibited and mutually incompatible popular demands, efficient demagogues, will tend to gain entrance in and rise to the top of government. Hence, a bad situation becomes even worse.

因此，在民主条件下，大众对他人财产之渴望，即便是不道德的和反社会的，也得到了系统性的强化。如果这是在“言论自由”的特殊保护下公开主张的，那么每一种要求都是合法的。一切都是可以表达，可以主张，一切都可以供人竞夺。即使看上最牢固的私有财产权，也不能得到再分配要求的豁免。更糟糕的是，在大众选举中，那些对夺取他人财产几乎没有道德顾虑的社会成员，那些最擅长从大量没有道德顾虑和彼此矛盾的大众需求中啸聚多数人的习惯性非道德主义者，那些高效的煽动者，会更容易进入政府并爬上政府的最高位置。因此，这更是雪上加霜。

Historically, the selection of a prince was through the accident of his noble birth, and his only personal qualification was typically his upbringing as a future prince and preserver of the dynasty and its status and possessions. This did not assure that a prince would not be bad and dangerous, of course. However, it is worth remembering that any prince who failed in his primary duty of preserving the dynasty—who wrecked or ruined the country, caused civil unrest, turmoil and strife, or otherwise endangered the position of the

6 原注：另见汉斯·赫尔曼·霍普《财产、无政府与国家：资本主义理论研究 (Eigentum, Anarchie und Staat: Studien zur Theoriedes Kapitalismus)》 (Opladen:Westdeutscher Verlag, 1987)，第 182 页及后。
dynasty—faced the immediate risk of either being neutralized or assassinated by another member of his own family. In any case, however, even if the accident of birth and his upbringing could not preclude that a prince might be bad and dangerous, at the same time the accident of a noble birth and a princely education also did not preclude that he might be a harmless dilettante or even a good and moral person. In contrast, the selection of government rulers by means of popular elections makes it practically impossible that any good or harmless person could ever rise to the top. Prime ministers and presidents are selected for their proven efficiency as morally uninhibited demagogues. Thus, democracy virtually assures that only bad and dangerous men will ever rise to the top. Prime ministers and presidents are selected for the result of free political competition and selection, those who rise will become increasingly bad and dangerous individuals, yet as temporary and interchangeable caretakers they will only rarely be assassinated.

历史上，王公和国王因高贵出身被偶然选任，他唯一的个人独特品质通常来源于他所受的教养——他从小就作为未来君主和王朝及其地位与资本的维护者来栽培。当然，这并不能保证他不会是坏人和危险人物。然而，要记住，如果哪个君主未能履行维系王朝的首要职责，即削弱或摧毁了国家，引发内乱、动乱和冲突，或者其他危及王朝地位的情形，那么他就会立刻面临被其他家族成员罢黜，甚至暗杀的风险。然而，无论如何，即便考虑其出身及教养，也不能排除王公可能是坏人和危险人物，同时，其偶然的高贵出身与王室的教养，也不能排除他可能是一个无害的半瓶醋，甚至是一个善良的有德之君。相比之下，政府统治者通过大众选举选上位，这就使得任何善良或者无害的人，都不可能爬上权力的顶峰。首相与总统因被证明是高效的无道德顾虑的煽动家而被择选上位。因此，民主制度实际上保证了只有那些坏人和危险分子才能登上政府高位；实际上，由于自由的政治竞争与选举，那些被选上的人会变得越来越坏和越来越危险，然而，作为暂时的和可以内部变换的看管人，他们也很少被暗杀。

7 原注：H. L. 门肯以他特有的智慧指出,

至少在民主国家，很少有政治家凭美德就到了那个位置上（获得公职）。的确，这种情况也发生过，但这只是奇迹。正常情况下，他们是因为其他原因被选上的，其中主要的只是，他们有能力打动和魅惑智力低下的人……他们中任何人敢于告诉大众真相吗？敢说出全部真相吗？敢不扯谎的，只谈谈关于国家（无论国内还是国际）形势的真相吗？他们中有任何人会克制自己不对大众许下他无法实现（任何人都无法实现）的诺言吗？他们中有任何人会以在无论多么明显的情况下，去警醒和疏远抱着一丝希望，凑在公共食槽边，遮掩着越来越稀薄的嗟来之食的一众蠢货吗？答案是：也许头几个星期会……但是在这问题竟然扭结在一起了之后，在（民主）斗争认真展开之后，就不会有人这么做了……他们全都会向国家中每个人、女人和孩子许诺任何他们想要的东西。他们全都会四处游荡，寻找机会让富有者贫穷，疗治那无可救药者，救助那不该救助者，理解那无法理解者，煽动那无动于衷者。他们全都会去用喃喃之语治疗瘤结，用虚来之币偿付国债。他们中会有人证明 2+2=5，而其他人会证明应该等于 6，等于 6.5，等于 10，等于 10，乃至于等于任意的 n。总而言之，他们会褪去性格中的明智、坦率和诚实，而成为单纯的只为拉票而屈膝的谋官候选者。到那时，他们全都会明白——即使有些人现在还不明白——在民主制下，让人获得选票的乃是荒诞不经之辞而非合情合理之语；到那时，他们也会欢乐地惊呼，“呀，天哪（yo-hooveho）！”井金食身心地投入这项工作。在喧嚣结束之前，他们中的大多数人实际上会说服自己。谁许诺得最多，且兑现的可能性最小，谁就会是赢家。（《门肯佳作选集（A Menken Chrestomathy）》[New York: Vintage Books, 1949], 第 148-51 页）
After more than a century of compulsory democracy, the predictable results are before our very eyes. The tax load imposed on property owners and producers makes the economic burden even of slaves and serfs seem moderate in comparison. Government debt has risen to breathtaking heights. Gold has been replaced by government manufactured paper as money, and its value has continually dwindled. Every detail of private life, property, trade, and contract is regulated by ever higher mountains of paper laws (legislation). In the name of social, public or national security, our caretakers "protect" us from global warming and cooling and the extinction of animals and plants, from husbands and wives, parents and employers, poverty, disease, disaster, ignorance, prejudice, racism, sexism, homophobia, and countless other public enemies and dangers. And with enormous stockpiles of weapons of aggression and mass destruction they "defend" us, even outside of the U.S., from ever new Hitlers and all suspected Hitlerite sympathizers.

However, the only task a government was ever supposed to assume—of protecting our life and property—our caretakers do not perform. To the contrary, the higher the expenditures on social, public, and national security have risen, the more our private property rights have been eroded, the more our property has been expropriated, confiscated, destroyed, and depreciated, and the more we have been deprived of the very foundation of all protection: of personal independence, economic strength, and private wealth. The more paper laws have been produced, the more legal uncertainty and moral hazard has been created, and lawlessness has displaced law and order. And while we have become ever more helpless, impoverished,
threatened, and insecure, our rulers have become increasingly more corrupt, dangerously armed, and arrogant.

然而，政府唯一应该声称的任务是保护我们的生命和财产，但我们的看管者却没有去做。相反，社会、公共和国家安全的开支越高，我们的私有财产权被侵蚀得越厉害，我们的财产就越是被剥削、被征服、被破坏和被贬值得更多，我们就越被剥夺了所有保护的真正根基：个人独立、经济实力和私人财富。纸面法律出台得越多，法律的不确定性和做假风险就会越大，无法无天就会取代法律和秩序。当我们将越来越不安、越来越贫穷，当我们受到的威胁越来越大，当我们越来越不安全的时候，我们的统治者就会变得越来越腐败，越来越傲慢，他们拥有的武力也会越来越危险。

At this point, the question of the future of liberalism arises. It is appropriate to return to my beginning: to Ludwig von Mises and the idea of a liberal social order. Like Etienne de la Boetie and David Hume before him, Mises recognized that the power of every government, whether of princes or caretakers, benevolent men or tyrants, rests ultimately on opinion rather than physical force. The agents of government are always only a small proportion of the total population under their control, whether under princely or democratic rule. Even smaller is the proportion of central government agents. But this implies that a government, and in particular a central government, cannot possibly impose its will upon the entire population, unless it finds widespread support and voluntary cooperation within the nongovernmental public. As La Boetie put it:

在这一点上，自由主义未来的问题出现了。回到我的起点是恰当的：回到路德维希·冯·米塞斯及其自由主义的社会秩序观念。如同他之前的正如埃蒂安·德·拉博埃蒂（Etienne de la Boétie）和大卫·休谟（David Hume）一样，米塞斯认识到，每一个政府的权力，无论是王公还是看管人，无论是仁君还是暴君，最终都取决于舆论而不是武力。无论是在君主统治还是民主统治之下，政府代理人在其控制的总人口中都只占很小的比例。中央政府代理人的比例就更小了。这就意味着，一个政府，尤其是中央政府，不可能将其意志强加给全体人民，除非它在非政府公众中得到了广泛的支持和自愿的配合。正如德·拉博蒂（de la Boetie）所说：

He who thus domineers over you ... has indeed nothing more than the power that you confer upon him to destroy you. Where has he acquired enough eyes to spy upon you, if you do not provide them yourselves? How can he have so many arms to beat you with, if he does not borrow them from you? The feet that trample down your cities, where does he get them if they are not your own? How does he have any power over you except through you? How would he dare assail you if he had no cooperation from you? What would he do to you if you yourself did not
connive with the thief who plunders you, if you were not accomplices of the murderer who kills you, if you were not traitors to yourselves? You sow your crops in order that he may ravage them, you install and furnish your homes to give him goods to pillage; you rear your daughters that he may gratify his lust; you bring up your children in order that he may confer upon them the greatest privilege he knows to be led into his battles, to be delivered to butchery, to be made the servants of his greed and the instruments of his vengeance; you yield your bodies unto hard labor in order that he may indulge in his delights and wallow in his filthy pleasures; you weaken yourselves in order to make him the stronger and mightier to hold you in check.18

那些专横待你的人……实则一无所有。

他那仅有的权力足以摧毁你，

但它来自你们的赋予。

他没那么多双眼睛窥探你，

除非你们把自己的眼睛给他。

他没那么多对付你的东西，

除非你们自己给他提供武器。

他那践踏你们城邑的兽蹄，

正是你们自己的双足，

否则他从何得之？

不经由你们自己，他不会有任何权力。

没有你们的配合，他如何胆敢攻击你？

那劫掠你的盗匪，

那杀害你的凶手，
民主：失败的上帝

若非你们同谋，
若非你们帮凶，
若非你们互相背叛，
他本不能胡作非为。

为方便他劫掠，
你们勤劳稼穑。

为方便他蹂躏，
你们安整家园。

为方便他泄欲，
你们养育幼女。

你们养育儿子，
是为得到他所能赋予的最高荣誉。

为了这荣誉，
你们的儿子为他拼命
为他亲赴屠宰场，
到头来，
不过是做了满足他贪欲的仆从，
和他复仇的机器。

为了他能声色犬马
However, if the power of every government rests only on opinion and consensual cooperation, then, as Mises's foremost student and our other intellectual master, Murray N. Rothbard, explained in his introduction to La Boetie's sixteenth century treatise, it also follows that each government can be brought down by a mere change of opinion and the exercise of sheer will power. "For if tyranny really rests on mass consent, then the obvious means for its overthrow is simply mass withdrawal of that consent." That is, in order to strip government of its powers and repair it to the status of a voluntary membership organization (as before 1861), it is not necessary to take it over, to engage in violent battle against it, or even to lay hands on one's rulers. In fact, to do so would only reaffirm the principle of compulsion and aggressive violence underlying the current system and inevitably lead to the replacement of one government or tyrant by another. To the contrary, it is only necessary that one decide to withdraw from the compulsory union and reassume one's right to self protection. Indeed, it is essential that one proceed in no other way than by peaceful secession and noncooperation.

然而，如果每个政府的权力都只取决于意见和合作协商，那么，如米塞斯最杰出的学生和我们另一位智识导师穆瑞·N·罗斯巴德在德·拉博蒂（de la Boetie）十六世纪的论文之导言中所解释的那样，它也遵循这个道理：仅仅改变观点和行使纯粹的意志力，就可以推翻每一个政府。“因为如果暴君真的依赖于大众的同意，那么推翻暴君的明显手段就只是大众撤回这种同意。”也就是说，为了剥夺政府权力，并将它修复为自愿成为成员的组织（就像1861年之前那样），没有必要接管它，没有必要通过

8 原注：艾蒂安·德·拉博蒂（Etienne de la Boetie）《服从的政治：论自愿奴役（The Politics of Obedience: The Discourse of Voluntary Servitude）》（New York: Free Life Editions, 1975），第52页。

9 原注：同上，第15页。
暴力战斗反对它，甚至没有必要的统治者抓起来。实际上，接管、暴力反对和抓捕统治者，在当前制度下，只会再次确认强制与侵犯的暴力原则，并会不可避免地导致政府或暴君被另一个政府或暴君所取代。相反，唯一有必要去的是，人们决定从强制性的联邦撤出，并且重申自我保护的权利。事实上，最根本的是，人们应该以和平的分离与不合作的方式，而非其他方式前进。

If this advice seems at first naive (what difference does it make if you or I decide to secede from the Union?), its status as a genuine strategy of social revolution becomes apparent once the full implications of an act of personal secession are spelled out. The decision to secede involves that one regard the central government as illegitimate, and that one accordingly treat it and its agents as an outlaw agency and "foreign" occupying forces. That is, if compelled by them, one complies, out of prudence and for no other reason than self-preservation, but one does nothing to support or facilitate their operations. One tries to keep as much of one's property and surrender as little tax money as possible. One considers all federal law, legislation and regulation null and void and ignores it whenever possible. One does not work or volunteer for the central government, whether its executive, legislative, or judicial branch, and one does not associate with anyone who does (and in particular not with those high up in the hierarchy of caretakers). One does not participate in central government politics and contributes nothing to the operation of the federal political machinery. One does not contribute to any national political party or political campaign, nor to any organization, agency, foundation, institute, or think-tank cooperating with or funded by any branch of the federal Leviathan or anyone living or working in or near Washington D.C.

即使这个建议乍一看似乎很幼稚（你决定脱离联邦会带来什么不同？），但是，一旦个人的分离主义行动的全部意义被充分阐明，它作为真正的社会革命战略的地位也就会很快凸显。分离的决定，意味着人们认为中央政府是非法的，因此，人们会将中央政府及其代理人，视作法外机构以及“外国”占领力量。也就是说，如果对分离者进行强制，人们出于谨慎或是为了自保而顺从，但是绝不会支持强制行动，也不会为之提供便利。人们尽可能保存私有财产，尽可能少缴税。人们会认为所有联邦法律、立法和管制都是无效的，只要有可能就忽略它。不为中央政府工作或者自愿服务，无论是行政、立法还是司法部门，也不与这类人来往（尤其是那些高层看管者）。不参与中央政府的政治活动，对联邦政治机制的运作不贡献任何力量。不给任何国家政党或政治运动捐款，也不给任何组织、机构、

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**注释**

罗斯巴德在介绍德·拉博蒂（La Boetie）时解释说（同上，第17页）：

中世纪的传统是为违背神圣法律的不公正的统治者的暴政辩护，但是，La Boetie的学说，尽管是非暴力的，在最深层次的意义上却要激进得多。因为暗杀一个暴君只是既存的政治体系内的一种孤立的个人行动，而民间大众的不服从——在发动体制的自我变革方面，更具有革命性。正如La Boetie关于“权力必然依赖于大众同意”的洞察所直接流露的那样，这一主张在理论上也更加简洁（elegant）和深刻；因为那样的话，对权力（之危害）的救济就是撤回对它的同意。
Instead, with as much of one's property as can possibly be secured from the hands of government one begins to provide for one's own protection and adopts a new systematic twofold investment strategy. On the one hand, just as the existence of private crime requires an appropriate defense such as locks, guns, gates, guards, and insurance, so the existence of government requires specific defense measures: that one invest in such forms and at such locations which withdraw, remove, hide, or conceal one's wealth as far as possible from the eyes and arms of government. But defensive measures are not sufficient. In order to gain full protection of one's property from the reaches of government, it is necessary not to remain isolated in one's decision to secede. Not everyone must follow one's example, of course. Indeed, it is not even necessary that a majority of the entire population do so. It is necessary, however, that at least a majority of the population at many separate localities do so, and to reach this critical level of mass withdrawal it is essential to complement one's defensive measures with an offensive strategy: to invest in an ideological campaign of delegitimizing the idea and institution of democratic government among the public.

相反，随着尽可能从政府手中救回的财产越来越多，人们开始能提供自我保护，并采取新的系统化的双重投资策略。一方面，正如私人犯罪的存在需要储备诸如锁、枪、门、保镖、保险等适当防卫一样，政府的存在也要求我们准备特定的防卫措施：人们的投资形式与领域要满足“可以尽可能地从政府眼皮底下提取、转移、隐藏或掩盖自己财富”的条件。但是只有防卫措施是不够的。为了在政府所及范围内使自己的财富获得充分的保护，人们决定分离时不必保持孤立。当然，不是每个人都必须仿照他人的榜样。实际上，甚至没有必要让整个人口中的大多数人这样做。然而，至少在许多分隔出来的地方上，人口中的多数有必要这么做。为了达到大众回撤（mass withdrawal）的临界水平，很重要的一点是，以更具进攻性的策略来完善人们的防卫手段：投资反对公共民主政府之制度与观念的意识形态运动。

The mass of people, as La Boetie and Mises recognized, always and everywhere consists of "brutes," "dullards," and "fools," easily deluded and sunk into habitual submission. Thus today, inundated from early childhood with government propaganda in public schools and educational institutions by legions of publicly certified intellectuals, most people mindlessly accept and repeat nonsense such as that democracy is self-rule and government is of, by, and for the people. Even if they can see through this deception, most still
This is how La Boetie describes this elite and its role:

There are always a few, better endowed than others, who feel the weight of the yoke and cannot restrain themselves from attempting to shake it off: these are the men who never become tamed under subjection and who always, like Ulysses on land and sea constantly seeking the smoke of his chimney, cannot prevent themselves from peering about for their natural privileges and from remembering their ancestors and their former ways. These are in fact the men who, possessed of clear minds and farsighted spirit, are not satisfied, like the brutish mass, to see only what is at their feet, but rather look about them, behind and before, and even recall the things of the past in order to judge those of the future, and compare both with their present condition. These are the ones who, having good minds of their own, have further trained them by study and learning. Even if liberty had entirely perished from the earth, such men would invent it. For them slavery has no satisfaction, no matter how well disguised."

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Just as there can be no revolution without a liberal-libertarian elite, however, so can there also be no revolution without some form of mass participation. That is, the elite cannot reach its own goal of restoring private property rights and law and order unless it succeeds in communicating its ideas to the public, openly if possible and secretly if necessary, and awakening the masses from their subservient slumber by arousing, at least temporarily, their natural instinct of wanting to be free. As Mises put it: "The flowering of human society depends on two factors: the intellectual power of outstanding men to conceive sound social and economic theories, and the ability of these or other men to make these ideologies palatable to the majority." [22]

然而，正如没有自由派-自由意志主义（liberal-libertarian）的精英就没有革命一样，没有某种形式的大众参与也就没有革命。也就是说，除非成功地将观念传递给公众（如果可能，就公开传递，如果必要，就秘密传播），除非成功地将大众从屈服的沉睡中唤醒，至少暂时地激发出他们想望自由的天性，否

14 优利西斯（Ulysses），又译俄底修斯，是罗马神话中的英雄，对应希腊神话中的奥德修斯。是希腊西部伊塔卡岛国王，曾参加特洛伊战争。出征前参加希腊使团去见特洛伊国王普里阿摩斯，以求和平解决因帕里斯劫夺海伦而引起的争端，但未获结果。希腊联军围攻特洛伊 10 年期间，尤利西斯英勇善战，足智多谋，屡建奇功。他献木马计里应外合攻破特洛伊。在率领同伴从特洛伊回国途中，因刺瞎独目巨人波吕斐摩斯，得罪了海神波塞冬，从而屡遭波塞冬的阻挠，历尽各种艰辛，危难。他战胜魔女基尔克，克服海妖塞壬美妙歌声的诱惑，穿过海怪斯库拉和卡吕布狄斯的居地，摆脱神女卡吕普索的 7 年挽留，最后于第十年侥幸一人回到故乡伊塔卡，同儿子特勒马科斯一起，杀死纠缠他妻子的、挥霍他的家财的求婚者，合家团圆。尤利西斯的事迹在荷马史诗中有详细描述。尤利西斯在对自己私有财产的维护和对妻子忠贞的试探中展现了智慧与坚韧。

15 原注：同上，第 65 页。
Hence, the decision by members of the elite to secede from and not cooperate with government must always include the resolve of engaging in, or contributing to, a continuous ideological struggle, for if the power of government rests on the widespread acceptance of false indeed absurd and foolish ideas, then the only genuine protection is the systematic attack of these ideas and the propagation and proliferation of true ones. Yet just as one must be always cautious and careful regarding one's material investments, it is equally important that one be eternally vigilant and selective in one's ideological investments.

因此，精英成员脱离政府和不与政府合作的决定，必须始终包含从事或促成持续的意识形态斗争的决心，因为如果政府的权力依赖于人们广泛接受错误的、实际上是荒唐和愚蠢的观念，那么唯一真正的保护措施是系统性地攻击这些观念，传播和扩散正确的观念。然而，正如人们必须总是谨慎小心地对待其物质投资一样，在意识形态投资上永远保持警惕和严选的态度也同等重要。

In particular, in this endeavor it is not sufficient to merely criticize or support critics and criticisms of specific government policies or personalities, for even if correct and popular, such criticism does not penetrate to the root of the problem. In the terminology of the "New Left," it is "immanent to the system" and thus harmless from the point of view of government. Accordingly, any support given to such efforts, however well-intended, is at best wasteful and at worst further increases the power of government. Rather, while criticisms and critics of government may start with specific policies or personalities, or even if they must do so to attract mass attention, everything and everyone worth supporting will have to go further. Every critic and criticism deserving of support must proceed to explain each and every particular government failing as symptomatic of an underlying flaw in the very idea of government itself (and of democratic government in particular). In other words, no critic or criticism is worthy of anyone's support unless it exposes as intellectual fraud the two pillars on which all government power rests: the belief that the protection of private property, unique among all goods, necessitates a compulsory monopoly (a nonvoluntary membership organization), and that private property and protection are best secured if entry into this monopoly of law and order is free and its directors are elected democratically.

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*原注：米塞斯《人的行动》，第 864 页。*
In fact, there must never be even the slightest wavering in one's commitment to uncompromising ideological radicalism ("extremism"). Not only would anything less be counterproductive, but more importantly, only radical—indeed, radically simple—ideas can possibly stir the emotions of the dull and indolent masses. And nothing is more effective in persuading the masses to cease cooperating with government than the constant and relentless exposure, desanctification, and ridicule of government and its representatives as moral and economic frauds and impostors: as emperors without clothes subject to contempt and the butt of all jokes.

事实上，人们对不妥协的意识形态激进主义（极端主义）的投入决不能有丝毫动摇。否则，只会适得其反。而且更重要的是，只有激进——真正的，纯粹激进的——观念才有可能搅动愚钝懒惰的大众的情感。在说服大众停止与政府合作方面，最有效的办法莫过于持续地无情地揭露、嘲笑政府及其代表并剥掉他们神圣的外衣，告诉人们，他们是道德与经济上的骗子与假货，就像让没穿衣服的皇帝受到蔑视，成为笑柄一样。

If and only if the members of the natural liberal-libertarian elite have fully grasped this lesson and begin to act accordingly will liberalism have a future. Only then will they have done what La Boetie advised us all to do:

当且仅当自然的自由派—自由意志主义精英充分领会了这一课（lesson）并开始采取相应的行动，自由主义才会有未来。只有那时，他们才会按照德·拉博蒂（de la Boetie）的建议去做：
Resolve to serve no more, and you are at once freed. I do not ask that you place hands upon the tyrant to topple him over, but simply that you support him no longer; then you will behold him, like a great Colossus whose pedestal has been pulled away, fall of his own weight and break into pieces. 24

只要决心不再供他驱使——那你们就自由了。我并不要你们攻击他、同他搏斗，只要不去支持他，你们就会看到，他将会象从下面抽掉了基座的庞然大物一样，由于自身重力坍塌下来，会被砸得粉碎。※

Imagine a world government, democratically elected according to the principle of one-man-one-vote on a worldwide scale. What would the probable outcome of an election be? Most likely, we would get a Chinese-Indian coalition government. And what would this government most likely decide to do in order to satisfy its supporters and be reelected? The government would probably find that the so-called Western world had far too much wealth and the rest of the world, in particular China and India, far too little, and that a systematic wealth and income redistribution would be necessary. Or imagine that in your own country the right to vote were expanded to seven year olds. While the government would not likely be staffed of children, its policies would most definitely reflect the "legitimate concerns" of children to have "adequate and "equal" access to "free" french fries, lemonade, and videos.

With these "thought experiments" in mind, there can be no doubt about the consequences which resulted from the process of democratization that began in Europe and the U.S. in the second half of the nineteenth century and has come to fruition since the end of World War I. The successive expansion of the franchise and finally the establishment of universal adult suffrage did within each country what a world democracy would
do for the entire globe: it set in motion a seemingly permanent tendency toward wealth and income redistribution.

considering these "thought experiments", starting in the late 19th century in Europe and the United States, and continuing after World War I in the democratic states. It can be expected that there will be many examples of redistribution, not the sole or even the predominant form of redistribution. After all, the "permanently" rich and the "permanently" poor are usually rich or poor for a reason. The rich are characteristically bright and industrious, and the poor typically dull, lazy, or both. It is not very likely that dullards, even if they make up a majority, will systematically outsmart and enrich themselves at the expense of a minority of bright and energetic individuals. Rather, most redistribution will take place within the group of the "non-poor," and frequently it will actually be the better-off who succeed in having themselves subsidized by the worse-off. Consider, for example, the almost universal practice of offering a "free" university education, whereby the working class, whose children rarely attend universities, pay through taxation for the education of middle-class children. Moreover, it can be expected that there will be many

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3 原注：作为这个趋势的粗略指标，人们可能会想把十九世纪末二十世纪初选举人资格的持续扩展与社会主义和民主主义的选民投票人数增加（和古典自由主义政党同步衰落）联系起来。这里举几个例子就够了。

(1) 德国：1871 年、1903 年和 1919 年，选民投票人数分别为 410 万、3050 万，社会主义选民投票率为 3%、32% 和 46%；自由派选民投票率为 46%、22% 和 23%。

(2) 意大利：18951913 年和 1919 年，选民投票人数分别为 130 万、51 万和 580 万，社会主义选民投票率为 7%、18% 和 32%；自由派选民投票率为 80%、56% 和 35%。

(3) 美国：1906 年和 1918 年，选民投票人数分别为 730 万和 2140 万，社会主义选民投票率为 5% 和 21%；自由派选民投票率为 49% 和 25%。

(4) 瑞典：1905 年、1911 年和 1921 年，选民投票人数分别为 20 万、60 万和 170 万，社会主义选民投票率为 9%、28% 和 36%；自由派选民投票率为 45%、40% 和 19%。

(5) 荷兰：1888 年、1905 年和 1922 年，选民投票人数分别为 30 万、80 万和 330 万，社会主义选民投票率为 3%、17% 和 27%；自由派选民投票率为 40%、28% 和 9%。
competing groups and coalitions trying to gain at the expense of others. There will be various changing criteria defining what it is that makes one person a "have" (deserving to be looted) and another a "have-not" (deserving to receive the loot). At the same time, individuals will be members of a multitude of groups of "haves" and/or "have-nots," losing on account of one of their characteristics and gaining on account of another, with some individuals ending up net-losers and others net-winners of redistribution.

一人一票加上“自由进入”政府，民主意味着每个人及其个人财产他人都触手可及，而且可以抢夺。

“公地悲剧”诞生了。可以预计，作为多数派的“贫乏者”会试图无情地以牺牲少数“富有者”为代价让自己致富。这并非是说，只存在一个“贫乏者”阶级和一个“富有者”阶级，也不是说再分配会统一地从富人流向穷人。相反，虽然从富人流向穷人的再分配总是扮演着主导性的角色，但是，假定这是唯一的甚或是突出的再分配形式，那也会是一个社会学错误。毕竟，“长期不变”的穷人和“长期不变”的富人，他们的贫富通常都是有原因的。富人的特点是聪明和勤劳，穷人则通常是愚钝和懒惰。愚钝者即使组成多数，也不太可能系统性地通过牺牲少数聪明和有能力的个体的利益，让自己聪明和富裕起来。更确切地说，大部分再分配会发生在“非穷人”群体之内，实际上，经常会存在境况较好者（better-off）让境况较差者（worse-off）补贴自己的情况。例如，想想看，提供“免费”大学教育几乎是普遍的做法，工人阶级自己的孩子却很少上大学，但他们却通过缴税为中产阶级的孩子支付了教育费用！进一步说，可以预计，会有许多竞争性群体和政治联盟试图牺牲他人

4 原注：“公地悲剧”是指公共资源（如公有物品）的过度利用、浪费或耗竭。见《管理公共领域（Managing the Commons）》，格拉特·哈定（Garret Hardin）和约翰·巴登（John Baden）主编（San Francisco: W. H. Freeman, 1977）。

5 原注：见约瑟夫·A·佩克曼（Joseph A. Pechman）《富人、穷人和他们支付的税收（The Rich，the Poor，and the Taxes They Pay）》，载于《公共利益（Public Interest）》（1969年秋季）；《为了新自由（For A New Liberty）》（New York: Collier，1978），第157-162页。

6 原注：见爱德华·C·班菲尔德（Edward C. Banfield）《重返罪恶之都（The Unheavenly City Revisited）》（波士顿：Little, Brown, 1974），特别是第三章。班菲尔德解释说，贫困通常只是一个过渡现象，局限于一个人工作生涯的早期阶段。”相比之下，“长期”贫困是由特定的文化价值观和态度造成的：一个人当下取向，或者从经济角度来说，是高时间偏好（这与低智力高度相关，两者似乎有共同的基础）。前者一一暂时贫穷，但又向上流动一一的特点是未来取向、自律、愿意放弃现在的满足以换取更好的未来，而后者则以当下取向和享乐主义为特征。班菲尔德写道：

如果（后者）对未来有任何认识，那就是对某种固定的、命中注定的、无法控制的事情的认识：他没有让事情发生，但事情就发生在他身上。冲动支配着他的行为，或者因为他不能约束自己为了将来的满足而牺牲当下，或者因为他对未来没有感觉。因此，他根本没有远见……他只是为了生存而工作，从一个不熟练的工作转到另一个，对自己的工作不感兴趣……他对自己东西太粗心了……即使东西八成新时，也很可能去不去任何小修小补，而导致永久性失灵。他的身体也是一件“用到精疲力尽也不去修补”的东西。（第61-62页）

7 原注：见阿门·阿尔钦（Armen Alchian）《免费学费的经济和社会影响（The Economic and Social Impact of Free Tuition）》，载于氏著《经济力量在发挥作用（Economic Forces at Work）》（Indianapolis, Ind.: Liberty Fund, 1977年）；罗斯·巴德《为了新自由（A New Liberty）》，第7章。涉及这种再分配的其他例子包括农业补贴，特别是有利于富裕的大农场
The recognition of democracy as a machinery of popular wealth and income redistribution in conjunction with one of the most fundamental principles in all of economics that one will end up getting more of whatever it is that is being subsidized provides the key to understanding the present age.

All redistribution, regardless of the criterion on which it is based, involves "taking" from the original owners and/or producers (the "havers" of something) and "giving" to nonowners and nonproducers (the "nonhavers" of something). The incentive to be an original owner or producer of the thing in question is reduced, and the incentive to be a non-owner and non-producer is raised. Accordingly, as a result of subsidizing individuals because they are poor, there will be more poverty. By subsidizing people because they are unemployed, more unemployment will be created. Supporting single mothers out of tax funds will lead to an increase in single motherhood, "illegitimacy," and divorce. In outlawing child labor, income is transferred from families with children to childless persons (as a result of the legal restriction on the supply of labor, wage rates will rise). Accordingly, the birthrate will fall. On the other hand, by subsidizing the education of children, the opposite effect is created. Income is transferred from the childless and those with few children to those with many children. As a result the birthrate will increase. Yet then the value of children will again fall, and birthrates will decline as a result of the so-called social security system, for in subsidizing retirees (the old) out of taxes imposed on current income earners (the young), the institution of a family—the intergenerational bond between parents, grandparents, and children—is systematically weakened. The old need no longer rely on the assistance of their children if they have made no provision for their own old age, and the young (with typically less accumulated wealth) must support the old (with typically more accumulated wealth) rather than the other way.
around, as is typical within families. Parents' wish for children, and children's wish for parents will decline, family breakups and dysfunctional families will increase, and provisionary action—saving and capital formation—will fall, while consumption rises.\textsuperscript{9}

### \textsuperscript{9}原注


As a result of subsidizing the malingerers, the neurotics, the careless, the alcoholics, the drug addicts, the Aids-infected, and the physically and mentally "challenged" through insurance regulation and compulsory health insurance, there will be more illness, malingering, neuroticism, carelessness, alcoholism, drug addiction, Aids infection, and physical and mental retardation.\textsuperscript{11} By forcing noncriminals, including the victims of crime, to pay for the imprisonment of criminals (rather than making criminals compensate their victims and pay the full cost of their own apprehension and incarceration), crime will increase.\textsuperscript{12} By forcing businessmen, through "affirmative action" ("nondiscrimination") programs, to employ more women, homosexuals, blacks, or other "minorities" than they would like to, there will be more employed minorities, and fewer employers and fewer male, heterosexual, and white employment.\textsuperscript{13} By compelling private land

### \textsuperscript{11}原注

"社会保障"，是社会政策中重要的一个方面，以保障社会福利为目标。无产者与生产者的阶层差距在社会福利体系中被进一步扩大，而这种差距的扩大，加剧了社会的不平等和不公平。无产者和生产者的收入差距，从有子女的家庭向无子女者转移，由于补贴儿童教育，也会导致更多单亲母亲。父母对子女的期许和对父母的期许会下降，家庭破裂和功能失调的家庭会增加，供给行动——储蓄和资本形成——会下降，而消费会升高。\textsuperscript{9}

### \textsuperscript{12}原注


### \textsuperscript{13}原注


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由于通过保险监管和强制医保补贴装病者、神经症患者、生活随意者、酗酒者、瘾君子、艾滋病感染患者和身心“有障碍者”，那就会出现更多疾病、装病行为、神经质、粗心大意、酗酒、吸毒、艾滋病感染和身心障碍。由于迫使非犯罪者（包括犯罪受害者）支付罪犯的保险费用（而非让罪犯赔偿受害者和支付自己被捕与被关押的全部成本），犯罪会增加。通过“平权行动（affirmative action）”（即反歧视）纲领迫使企业家雇佣更多妇女、同性恋者、黑人或其他“少数群体”，会有更多“少数群体”就业，而雇主会更少、男、异性恋、自人的就业也会更少。通过环保立法强迫私人土地所有者补贴（“保护”）栖居其土地上的“濒危物种”，动物的数量会增加，处境会更好，而人类的数量会减少，处境会更恶劣。[14]

原注：最早、最深刻、最有远见的分析之一，见米塞斯《社会主义》，第 429-432 和 438-441 页。米塞斯在 20 世纪 20 年代初撰文，对“社会保险”的影响作了如下描述：
通过削弱或完全摧毁了健康和有工作能力的意愿，社会保险创造了疾病和无工作能力者，产生了怨恨的习惯……简言之，它是一项倾向于鼓励疾病与意外事故和极大地强化事故和疾病之身心后果的制度。作为一项社会制度，它使人们身体和精神上生病，或者至少有助于疾病的成倍增加、延长和加剧。（第 432 页）
此外，米塞斯深入到问题的核心，并解释了为什么大多数健康和意外风险，特别是失业风险的保险在经济上是不可行的：
被保险人可以自己制造，或至少是加剧被保险事项的可能性，会给健康保险和意外事故保险的价值带来问题。但是在失业保险的情形下，除非被保险人自己乐意，否则被保险事项决不成立（即失业不可能出现）。一个人没有被雇用是一个工资和就业问题而非工作问题。对失业进行保险是不可行的，正如对商品的滞销进行保险一样。失业保险绝对是用词不当。这样的保险根本不可能有任何统计依据。（第 439 页）
关于风险和保险的逻辑，请参阅路德维希·冯·米塞斯（Ludwig von Mises）《人的行动：经济学论文》，学者版（Auburn，Ala:Ludwig von Mises Institute, 1998 年），第 6 章；关于社会“保险”的不良后果，见西摩·伊茨科夫（Seymour W.Itzkoff）《平等之路：进化与社会现实（The Road to Equality: Evolution and Social Reality）》（Westport, Conn: Praeger, 1992）；同上，《美国的智识衰退（The Decline of Intelligence in America）》（Westport, Conn.: Praeger, 1994）。
Most importantly, by compelling private property owners and/or market income earners (producers) to subsidize "politicians," "political parties," and "civil servants" (politicians and government employees do not pay taxes but are paid out of taxes), there will be less wealth formation, fewer producers and less productivity, and ever more waste, "parasites" and parasitism.

Businessmen (capitalists) and their employees cannot earn an income unless they produce goods or services which are sold in markets. The buyers' purchases are voluntary. By buying a good or service, the buyers demonstrate that they prefer this good or service over the sum of money that they must surrender in order to acquire it. In contrast, politicians, parties, and civil servants produce nothing which is sold in markets. No one buys government "goods" or "services." They are produced, and costs are incurred to produce them, but they are not sold and bought. On the one hand, this implies that it is impossible to determine their value and find out whether or not this value justifies their costs. Because no one buys them, no one actually demonstrates that he considers government goods and services worth their costs, and indeed, whether or not anyone attaches any value to them at all. From the viewpoint of economic theory, it is thus entirely illegitimate to assume, as is always done in national income accounting, that government goods and services are produced, have a value, and are sold for prices that cover their costs.

services are worth what it costs to produce them, and then to simply *add* this value to that of the "normal," privately produced (bought and sold) goods and services to arrive at gross domestic (or national) product, for instance. It might as well be assumed that government goods and services are worth nothing, or even that they are not "goods" at all but "bads," and hence, that the cost of politicians and the entire civil service should be *subtracted* from the total value of privately produced goods and services. Indeed, to assume *this* would be far more justified. For on the other hand, as to its practical implications, the subsidizing of politicians and civil servants amounts to a subsidy to "produce" with little or no regard for the well-being of one's alleged consumers, and with much or sole regard instead for the well-being of the "producers," i.e., the politicians and civil servants. Their salaries remain the same, whether their output satisfies consumers or not. Accordingly, as a result of the expansion of "public" sector employment, there will be increasing laziness, carelessness, incompetence, disservice, maltreatment, waste, and even destruction—and at the same time ever more arrogance, demagoguery, and lies ("we work for the public good").

实业家（资本家）和他们的雇员除非生产出能够在市场上售出的商品和服务，否则无法获得收入。顾客的购买是自愿的。通过购买商品或服务，顾客（消费者）证明他们对该商品或服务的偏好，基于他们为获得它而必须支付的货币量。相比之下，政客、政党和公务员没有生产任何在市场上销售的东西。没有人购买政府的“商品”或“服务”。政府提供的“商品”和“服务”是生产出来的，这种生产也产生了成本，但无论如何，他们的产品都不用于出售，成本也不是来自于购买。另一方面，这意味着，确定政府产品（商品和服务）的价值及其成本是否合理是不可能的。因为无人购买，人们根本就无法真正证明政府商品和服务的价值是否超过了为其支付的成本，不管是否有人事实上认为它们有所超值。从经济理论的角度看，因此，就像在国民收入计算中一直在做的那样，宣称政府商品和服务的价值，超过了为生产它们而支付的成本，然后简单地将其增值加入到“正常”的、私人生产（买卖）的商品和服务的产值（例如计入国内或国民生产总值）中去，是完全不合法的。我们也可以断言，政府商品和服务一文不值，甚至断言它们根本不是“财货（goods）”而是“贱货（bads）”，因此应该从私人生产的商品与服务之总值中减去支付给政客和整个政府服务的成本。事实上，这种说法合理得多。因为另一方面，从其实际含义而言，对政客和公务员的补贴相当于补贴“生产”，几乎或根本没有考虑所谓消费者的福利，反而更多或只是考虑“生产者”，亦即政客和公务员的福利。无论其产出是否满足了消费者，政客和公务员的薪水都保持不变。因此，由于“公共”部门岗位的扩张，怠政、玩忽职守、不称职、帮倒忙、粗暴对待、浪费甚至破坏的情况会越来越多，同时，会有更多的傲慢、煽动和谎言（“我们是在为公共福祉工作”）。

*原注：关于国民收入计算方法的标准中涉及的根本错误和建设性的替代方案，见穆瑞·N·罗斯巴德《美国的重大倒退（America’s Great Depression）》（Kansas City: Sheed and Ward, 1975），第296-304页。同上，《权力与市场（Power and Market）》，第199-202页。
After less than one hundred years of democracy and redistribution, the predictable results are in. The "reserve fund" that was inherited from the past is apparently exhausted. For several decades (since the late 1960s or the early 1970s), real standards of living have stagnated or even fallen in the West. The "public" debt and the cost of the existing social security and health care system have brought on the prospect of an imminent economic meltdown.

At the same time, almost every form of undesirable behavior unemployment, welfare dependency, negligence, recklessness, incivility, psychopathy, hedonism, and crime has increased, and social conflict and societal breakdown have risen to dangerous heights. If current trends continue, it is safe to say that the Western welfare state (social democracy) will collapse just as Eastern (Russian-style) socialism collapsed in the late 1980s.

However, economic collapse does not automatically lead to improvement. Matters can become worse rather than better. What is necessary besides a crisis are ideas—correct ideas—and men capable of understanding and implementing them once the opportunity arises. Ultimately, the course of history is determined by ideas, be they true or false, and by men acting upon and being inspired by true or false ideas. The current mess is also the result of ideas. It is the result of the overwhelming acceptance, by public opinion, of the idea of...
democracy. As long as this acceptance prevails, a catastrophe is unavoidable, and there can be no hope for improvement even after its arrival. On the other hand, as soon as the idea of democracy is recognized as false and vicious—and ideas can, in principle, be changed almost instantaneously—a catastrophe can be avoided.

然而，经济崩溃不会自动带来改善。问题可能变得更糟糕而不是更好。除了危机以外，想要改善，还需要观念——正确的观念，以及一旦机会出现，人们能够理解并执行这些观念。历史进程终归是观念（不管它们是对是错）决定的，终归是受正确或错误观念鼓舞并在其指导下的行动的人决定的。当下的乱象也是观念的结果。它是民主观念的公共意见被广为接受的结果。只要这种认可占了上风，灾难就在所难免，即使灾难降临之后，也没有改善的希望。另一方面，一旦人们认识到民主观念是错误和邪恶的，并且能够在几乎是极短的时间内改变观念，那么理论上，灾难是可以避免的。

The central task of those wanting to turn the tide and prevent an outright breakdown is the "delegitimation" of the idea of democracy as the root cause of the present state of progressive "decivilization." To this purpose, one should first point out that it is difficult to find many proponents of democracy in the history of political theory. Almost all major thinkers had nothing but contempt for democracy. Even the Founding Fathers of the U.S., nowadays considered the model of a democracy, were strictly opposed to it. Without a single exception, they thought of democracy as nothing but mob-rule. They considered themselves to be members of a 'natural aristocracy,' and rather than a democracy they advocated an aristocratic republic. Furthermore, even among the few theoretical defenders of democracy such as Rousseau, for instance, it is almost impossible to find anyone advocating democracy for anything but extremely small communities (villages or towns). Indeed, in small communities where everyone knows everyone else personally, most people must acknowledge that the position of the "haves" is typically based on their superior personal achievement just as the position of the "have-nots" finds its typical explanation in their personal deficiencies and inferiority. Under these circumstances, it is far more difficult to get away with trying to loot other people and their personal property to one's advantage. In distinct contrast, in large territories encompassing millions or even hundreds of millions of people, where the potential looters do not know their victims, and vice versa, the human desire to enrich oneself at another's expense is subject to little or no restraint.

那些想扭转颓势，阻止彻底崩溃的人，他们的核心任务是“否定民主观念的合法性”，因为它是目前不断“反文明化”的当前事态之根源。为此，我们首先应该指出，在政治理论史上，很难找到太多民主的支持者。几乎所有重要的思想家都对民主不屑一顾。即使今天人们视为民主典范的美国国父们，也严厉地反对民主。无一例外，他们都认为民主只不过是暴民统治。他们认为自己是“自然贵族”成
他们主张贵族共和制而非民主制。进一步说，甚至在诸如卢梭这类民主制的少数理论捍卫者中，也几乎不可能找到除了赞成在极小的共同体（村庄或城镇）内实行民主之外的任何民主拥护者。事实上，在人人相知相熟的小共同体内，大多数人必定会承认“富有者”的地位，通常基于其卓越的个人成就，正如“贫穷者”的处境通常能从其个人缺陷和低能中得到解释。在这种环境中，试图掠夺他人及其个人财产以谋取利益，想要逃脱惩罚会困难得多。与此对比鲜明的是，在囊括了数百万甚至上亿人口的巨大领土上，潜在的抢劫者不认识受害者，反之亦然，所以，人类以牺牲他人利益为代价来致富的企图，就几乎不会受到任何限制。21

More importantly, it must be made clear again that the idea of democracy is immoral as well as uneconomical. As for the moral status of majority rule, it must be pointed out that it allows for A and B to band together to rip off C, C and A in turn joining to rip off B, and then B and C conspiring against A, and so on. This is not justice but a moral outrage, and rather than treating democracy and democrats with respect, they should be treated with open contempt and ridiculed as moral frauds.22 On the other hand, as for the economic quality of democracy, it must be stressed relentlessly that it is not democracy but private property, production, and voluntary exchange that are the ultimate sources of human civilization and prosperity. In particular, contrary to widespread myths, it needs to be emphasized that the lack of democracy had

自然贵族……作为大最自然最珍贵的礼物，为指导社会、治理社会、受社会之信托而存在。事实上，在为社会化国家制造创造国家的过程中，如果要为社会化政治塑造人，却没有提供足以管理社会关切的问题的美德与智慧，那是互相矛盾的。我们甚至可以说，能最有效地将这些自然贵族纯粹地选拔到政府的职位上的政府形式就是最好的。

那么，要概括建国者的总体态度，最恰当的声明来自是 John Randolph of Roanoke: “我是贵族：我爱自由，我讨厌平等。”23

21 原注：卢梭的《社会契约论》于 1762 年面世，它的本意是对其家乡日内瓦的政治局面的理论性评论，当时，日内瓦是一个居民不到 3 万人的独立城邦，它实际上由一个微型的居于领导地位的贵族家族领袖的世袭寡头统治的。这些家族控制了一个小规模的议会和两百人的委员会。卢梭对“人民”和“主权在民”的呼吁，意在攻击这种寡头制度，而绝非是在捍卫如今人们所理解的直接民主和普遍的政治参与。相反，当卢梭为支持“人民主权”而撰写时，脑子里想的只是，日内瓦的其他政治机制——大议会（the Grand Council），它由 1500 人组成，除了日内瓦的上层贵族外，还包括了下层世袭贵族。
更重要的是，必须再次明确，民主观念既是不道德的，也是不经济的。谈到多数统治的道德地位，我们必须指出，它允许 A 和 B 联合起来坑骗 C，允许 C 和 A 转而联合坑骗 B，允许 B 和 C 密谋对付 A，以此类推。这不是正义，而是道德上的暴行，与其尊重民主和民主派，不如公开蔑视和嘲笑它们是道德欺诈。另一方面，谈到民主的经济品质，必须无情地强调私有财产、生产和自愿交换而非民主，才是人类文明和繁荣的终极源泉。尤其是，与广为流传的神话相反，需要强调的是，俄式社会主义的破产与缺少民主基本无关。不是政客的推举原则，而是如下政策和政策决策机制，构成了社会主义的问题。与在私有财产和合约主义制度下那样，由每一位私人生产者独立决定如何处理特定的资源相反，由于全部或部分生产要素被社会化（即公共所有），每一次决定都需要得到他人的许可。如何选择那些给予许可的人，与生产者无关。对生产者来说，最重要的是必须得到许可。一旦处于这种情形，

...
Lastly, as for strategic considerations, in order to approach the goal of a non-exploitative social order, i.e., private property anarchy, the idea of majoritarianism should be turned against democratic rule itself. Under any form of governmental rule, including a democracy, the "ruling class" (politicians and civil servants) represents only a small proportion of the total population. While it is possible that one hundred parasites may lead a comfortable life on the products of one thousand hosts, one thousand parasites cannot live off of one hundred hosts. Based on the recognition of this fact, it would appear possible to persuade a majority of the voters that it is adding insult to injury to let those living off of other peoples' taxes have a say in how high these taxes are, and to thus decide, democratically, to take the right to vote away from all government employees and everyone who receives government benefits, whether they are welfare recipients or government contractors.²³

Lastly, for strategic considerations, in order to approach the goal of a non-exploitative social order, i.e., private property anarchy, the idea of majoritarianism should be turned against democratic rule itself. Under any form of governmental rule, including a democracy, the "ruling class" (government contractors, employees and everyone who receives government benefits) represents only a small proportion of the total population. While it is possible that one hundred parasites may lead a comfortable life on the products of one thousand hosts, one thousand parasites cannot live off of one hundred hosts. Based on the recognition of this fact, it would appear possible to persuade a majority of the voters that it is adding insult to injury to let those living off of other peoples' taxes have a say in how high these taxes are, and to thus decide, democratically, to take the right to vote away from all government employees and everyone who receives government benefits, whether they are welfare recipients or government contractors.²³

²³ 原注：见汉斯·赫尔曼·霍普《社会主义与资本主义理论 (A Theory of Socialism and Capitalism)》(Boston: Kluwer, 1989); 同上，《统一的德国的去社会化 (Desocialization in a United Germany)》，载于《奥地利经济学评论 (Review of Austrian Economics)》第5卷第2期 (1991年); 穆瑞·N·罗斯巴德《社会主义的终结与重温经济计算辩论 (The End of Socialism and the Calculation Debate Revisited)》，载于《行动的逻辑 (一)》(Cheltenham, U.K.: Edward Elgar, 1997); 同上《如何去社会化和如何不去社会化 (How and How Not To Desocialize)》，载于《奥地利经济学评论 (Review of Austrian Economics)》第6卷第2期 (1992年)。

²⁴ 原注：见罗斯巴德《自由的伦理 (The Ethics of Liberty)》; 汉斯·赫尔曼·霍普《私有财产的经济学与伦理学 (The Economics and Ethics of Private Property)》(Boston: Kluwer, 1993), 特别是第2部分; 还有安东尼·德·雅赛 (Anthony de Jasay), 《选择、契约、同意: 重述自由主义 (Choice, Contract, Consent: A Restatement of Liberalism)》(London: Institute of Economic Affairs, 1991)。

²⁵ 原注：关于这一点，另见穆瑞·N·罗斯巴德《权力与市场 (Power and Market)》，第189页及其后。
In addition, in conjunction with this strategy it is necessary to recognize the overwhelming importance of secession and secessionist movements. If majority decisions are "right," then the largest of all possible majorities, a world majority and a democratic world government, must be considered ultimately "right," with the consequences predicted at the outset of this chapter. In contrast, secession always involves the breaking away of smaller from larger populations. It is thus a vote against the principle of democracy and majoritarianism. The further the process of secession proceeds to the level of small regions, cities, city districts, towns, villages, and ultimately individual households and voluntary associations of private households and firms, the more difficult it will become to maintain the current level of redistributive policies. At the same time, the smaller the territorial units, the more likely it will be that a few individuals, based on the popular recognition of their economic independence, outstanding professional achievement, morally impeccable personal life, superior judgment, courage, and taste, will rise to the rank of natural, voluntarily acknowledged elites and lend legitimacy to the idea of a natural order of competing (non-monopolistic) and freely (voluntarily) financed peacekeepers, judges, and overlapping jurisdictions as exists even now in the arena of international trade and travel. A pure private law society— as the answer to democracy and any other form of political (coercive) rule.

此外，结合这一策略，必须认识到分离与分离主义运动的极端重要性。如果多数人的决定是“正确的”，那么，所有可能的多数中最大的那一种，即世界性的多数和民主的世界政府，最终必须被视为“正确的”，其后果本章一开始就已经预判了。相比之下，分离总是涉及一小群人从更大的人口中脱离出来。因此，这是对民主与多数决原则投下的反对票。分离进程越是进入到小的区域、城市、城市街区、城镇、村庄，并最终到了个体家庭、私人家庭和企业的自愿联合体的水平，就越难维持目前这种水准的再分配政策。同时，领土单元越小，基于经济独立、杰出的职业成就，无可挑剔的个人道德风范、以及卓越的判断力、勇气和品味的少数个体，就越有可能晋升为自然的、被人们自愿认可的精英行列，并赋予竞争性的（不存在垄断的）、人们自由（自愿地）资助的和平维系者、法官、重叠的司法管辖
权（这些事物早已存在甚至今天在国际贸易与国际旅行领域仍然存在）的自然秩序观念以合法性。纯粹的私法社会，可以作为对民主制及其他任何形式的政治（胁迫）统治之内在缺陷的回应。26
A state is a territorial monopolist of compulsion—an agency which may engage in continual, institutionalized property rights violations and the exploitation—in the form of expropriation, taxation, and regulation—of private property owners. Assuming no more than self-interest on the part of government agents, all states (governments) can be expected to make use of this monopoly and thus exhibit a tendency toward increased exploitation. On the one hand, this means increased domestic exploitation (and internal taxation). On the other hand, and this aspect in particular will be of interest in the following, it means territorial expansionism. States will always try to enlarge their exploitation and tax base. In doing so, however, they will come into conflict with other, competing states. The competition between states qua territorial monopolists of compulsion is by its very nature an eliminative competition. That is, there can be only one monopolist of exploitation and taxation in any given area; thus, the competition between different states can be expected to promote a tendency toward increased political centralization and ultimately one single world state.

国家是一个强制性的领土垄断者——一个可以从事持续地、制度性地侵犯私有产权和以征没、征税和管制的方式剥削私有财产所有者的机构。假设政府代理人只是自利的，那么可以预计所有国家（政府）都会利用这种垄断，从而表现出剥削加重的趋势。一方面，这意味着增加国内剥削（和国内税收）。另一方面，它意味着领土扩张主义，下文会尤为关注这一点。国家总是尝试扩大其剥削与税收的基础。然而，在这样做的时候，他们会与其他竞争对手国发生冲突。作为强制性领土垄断者的国家之间的竞争，从本质上将是一种铲除对手的竞争。也就是说，在给定区域只能有一个剥削与征税的垄断者；
A glance at Western history suffices to illustrate the validity of this conclusion. At the beginning of this millenium, for instance, Europe consisted of thousands of independent political units. Now, only several dozen such units remain. To be sure, decentralizing forces also existed. There was the progressive disintegration of the Ottoman Empire from the sixteenth century until after World War I and the establishment of modern Turkey. The discontiguous Habsburg Empire was gradually dismembered from the time of its greatest expansion under Charles V until it disappeared and modern Austria was founded in 1918. And only recently, before our very eyes, the former Soviet Empire disintegrated. There are now more than a dozen independent states on the soil of the former Soviet Union. The former Yugoslavia consists now of Slovenia, Croatia, Serbia, Macedonia, and Bosnia. And the Czechs and the Slovaks have split and formed independent countries. However, the overriding tendency was in the opposite direction. For instance, during the second half of the seventeenth century, Germany consisted of some 234 countries, 51 free cities, and 1,500 independent knightly manors. By the early nineteenth century, the total number of the three had fallen to below 50, and by 1871 unification had been achieved. The scenario in Italy was similar. Even small states have a history of expansion and centralization. Switzerland began in 1291 as a confederation of three independent cantonal states. By 1848 it was a single (federal) state with some two dozen cantonal provinces.

Moreover, from a global perspective, mankind has come closer than ever before to the establishment of a world government. Even before the dissolution of the Soviet Empire, the United States had attained...
hegemonical status over Western Europe (most notably over West Germany) and the Pacific rim countries (most notably over Japan)—as indicated by the presence of American troops and military bases, by the NATO and SEATO pacts, by the role of the American dollar as the ultimate international reserve currency and of the U.S. Federal Reserve System as the "lender" or "liquidity provider" of last resort for the entire Western banking system, and by institutions such as the International Monetary Fund (IMF), the World Bank, and the recently established World Trade Organization (WTO). In addition, under American hegemony the political integration of Western Europe has steadily advanced. With the recent establishment of a European Central Bank and a European Currency (EURO), the European Community is near completion. At the same time, with the North American Free Trade Agreement (NAFTA) a significant step toward the political integration of the American continent has been taken. In the absence of the Soviet Empire and its military threat, the United States has emerged as the world's sole and undisputed military superpower and its "top cop."

此外，放眼全球，人类比以往任何时候都更接近于建立一个世界政府。甚至在苏联解体之前，美国已经取得了对西欧（尤其是对西德）和环太平洋国家（尤其是日本）的霸权。美国驻军和军事基地的存在，北约和东南亚条约，美元扮演国际储备通货的角色，美联储扮演整个西方银行体系的最终（last resort）“贷款人”和“流动性提供者”的角色，诸如国际货币基金组织（IMF）、世界银行和最近成立的世界贸易组织（WTO）之类机构，都是美国霸权的体现。除此之外，在美国霸权之下，西欧政治一体化已经稳步推进。随着欧洲中央银行和欧洲通货（欧元）的建立，欧洲共同体已接近完成。与此同时，随着北美自由贸易协定（NAFTA）的签订，美洲大陆的政治一体化迈出了意义重大的一步。在苏维埃帝国及其军事威胁缺席的情况下，美国已经成为世界上唯一的，和无可争议的超级军事大国和“最高警察”

According to the orthodox view, centralization is generally a "good" and progressive movement, whereas disintegration and secession, even if sometimes unavoidable, represent an anachronism. It is assumed that larger political units—and ultimately a single world government—imply wider markets and hence increased wealth. As evidence of this, it is pointed out that economic prosperity has increased dramatically with

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2. 原注：“法定”（纸币）货币、中央银行和国际（政府间）货币合作作为政治统一的驱动力和经济帝国主义工具（亦即“主导性”国家对“附属”国家的剥削工具）所起的作用，见汉斯-赫尔曼·霍普汉斯·赫尔曼·霍普《银行、民族国家和国际政治：当前经济秩序的社会学重建（Banking, Nation States, and International Politics: A Sociological Reconstruction of the Present Economic Order）》（Boston: Kluwer, 1993）；乔治·吉多·许尔斯曼(Jorg Guido Hulsmann)《Political Unification: A Generalized Progression Theorem》，载于《自由意志主义研究期刊（Journal of Libertarian Studies）》第13卷第1期（1977）；亦见霍普·N·罗斯巴德《华尔街，银行与美国外交政策（Wall Street, Banks, and American Foreign Policy）》(Burlingame, Calif.: Center for Libertarian Studies, 1995)。也见以下注239和240。
increased centralization. However, rather than reflecting any truth, this orthodox view is more illustrative of the fact that history is typically written by its victors. Correlation or temporal coincidence do not prove causation. In fact, the relationship between economic prosperity and centralization is very different from and indeed almost the opposite of what orthodoxy alleges.

Political integration (centralization) and economic (market) integration are two completely different phenomena. Political integration involves the territorial expansion of a state's power of taxation and property regulation (expropriation). Economic integration is the extension of the interpersonal and interregional division of labor and market participation. In principle, in taxing and regulating private property owners and market income earners, all governments are counterproductive. They reduce market participation and the formation of economic wealth. Once the existence of a government has been assumed, however, no direct relationship between territorial size and economic integration exists. Switzerland and Albania are both small countries, but Switzerland exhibits a high degree of economic integration, whereas Albania does not. Both the U.S. and the former Soviet Union are large. Yet while there is much division of labor and market participation in the U.S., there was almost no economic integration in the Soviet Union, where virtually no private capital ownership existed. Centralization, then, can go hand in hand with either economic progress or retrogression. Progress results whenever a less taxing and regulating government expands its territory at the expense of a more exploitative one. If the reverse occurs, centralization implies economic disintegration and retrogression.

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3 原注: 关于以下内容, 见让·巴克勒 (Jean Baechler) 《资本主义的起源 (The Origins of Capitalism)》 (New York: St. Martin's Press, 1976), 尤其是第七章; 汉斯·赫尔曼·霍普《欧洲分离主义的经济和政治理性 (The Economic and Political Rational for European Secessionism)》, 载于《分离主义、国家和自由 (The Economic and Political Rational for European Secessionism)》, 大卫·戈登 (David Gordon) 主编 (New Brunswick, N.J.: Transaction Publishers, 1998); 也见埃里克·L·琼斯 (Eric L. Jones), 《欧洲奇迹 (The European Miracle)》 (Cambridge: Cambridge University Press, 1981); 内森·罗森伯格 (Nathan Rosenberg) 和路德·E·伯泽尔 (Luther E. Birdzell) 《西方是如何变富的? (How the West Grew Rich)》 (New York: Basic Books, 1986); 大卫·S·兰德斯 (David S. Landes) 《国家的财富与贫困 (The Wealth and Poor of Nations)》 (New York: Norton, 1998)。
政治一体化（中心化）和经济（市场）一体化是两种完全不同的现象。政治一体化涉及国家征税权力和财产管制（剥削）权力的领土性扩张。经济一体化是人与人之间、地区与地区之间劳动分工和市场参与的延伸。原则上，在对私有财产所有者与赚取市场收入者进行征税和管制时，所有政府都是反生产的（counterproductive）。他们减少了市场参与和经济财富的形成。然而，一旦假定了政府的存在，那么领土大小与经济一体化之间就不存在直接关系。瑞士和阿尔巴尼亚都是小国家，但是瑞士表现出很高程度的经济一体化，而阿尔巴尼亚则没有。美国和前苏联都很大。然而，在美国存在大量的劳动分工和市场参与，而苏联这个实质上不存在私人资本所有者的地方几乎没有任何经济一体化。所以，中心化可以与经济进步或倒退都并行不悖。无论何时，一个更少税收与管制的政府，以牺牲一个更具剥削性的政府为代价扩张其领土时，进步就会发生。如果发生相反的情形，中心化就意味着经济解体和倒退。

However, there is a highly important indirect relationship between size and economic integration. A central government ruling over largescale territories—and even less so a single world government—cannot come into existence ab ovo. Instead, all institutions with the power to tax and regulate owners of private property must start out small. Smallness contributes to moderation, however. A small government has many close competitors, and if it taxes and regulates its own subjects visibly more than its competitors, it is bound to suffer from the emigration of labor and capital and a corresponding loss of future tax revenue. Consider a single household, or a village, as an independent territory, for instance. Could a father do to his son, or a mayor to his village, what the government of the Soviet Union did to its subjects (i.e., deny them any right to private capital ownership) or what governments all across Western Europe and the U.S. do to their citizens (i.e., expropriate up to 50 percent of their productive output)? Obviously not. There would either be an immediate revolt and the government would be overthrown, or emigration to another nearby household or village would ensue.

然而，领土大小与经济一体化存在着高度重要的直接关系。一个统治大范围领土的中央政府，是不可能一开始就存在的，更不要说一个单一的世界性政府了。相反，所有具备对私有财产所有者征税和管制权力的机构必定是从小范围开始的。然而，国家小有助于适度。小政府（指领土范围小）会有许多

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4 原注：关于分工和经济一体化的形成，见路德维希·冯·米塞斯， 《人的行动：经济学论文》第 8 章，学者版 (Auburn, Ala.: Ludwig von Mises Institute, 1998); 穆瑞·A·罗斯巴德《自由，不平等，原始主义和劳动分工 (Freedom, Inequality, Primitivism, and the Division of Labor)》，载于氏著《平等主义是反抗自然，以及其他论文 (Egalitarianism As a Revolt Against Nature and Other Essays) 》(Auburn, Ala.: Ludwig von Mises Institute, [1974]2000)。

5 原注：参见罗斯巴德的《权力与市场 (Power and Market) 》。

6 原注：同上。
密切的竞争者，如果它对其臣民的征税于管理肉眼可见地强于竞争者，它就必然要遭受劳动力与资本的外流和未来税入的相应损失。例如，如果将单个家庭或村庄视作独立的领土，那么，父亲对他的儿子或者村长对他的村民，能够干出苏联政府对其臣民所干的那种事（如否认臣民拥有任何私人资本所有权）吗？能够干出整个西欧和美国的政府对其公民所干的那种事（如没收公民高达 50% 的产出）吗？显然不能。要么马上就会出现叛乱，统治者会被推翻，要么人们随后会移民到另一个临近的家庭或村庄。7

Contrary to orthodoxy, then, precisely the fact that Europe possessed a highly decentralized power structure composed of countless independent political units explains the origin of capitalism— the expansion of market participation and of economic growth— in the Western world.8 It is not by accident that capitalism first flourished under conditions of extreme political decentralization: in the northern Italian city states, in southern Germany, and in the secessionist Low Countries (Netherlands).

因此，与正统理论相反，正是欧洲拥有由无数独立的政治单元组成的高度去中心化的权力结构这一事实，恰恰解释了资本主义——市场参与的扩大与经济的增长——为何起源于西方世界。8资本主义首先在极度的去中心化政治条件下——北意大利城邦、南德意志和分离主义的低地（尼德兰）地区——繁荣起来，这并非偶然。

7 原注：因此，在限制政府扩张其剥削权力的天性饥渴方面，政治竞争是一种远比内生宪法的限制更为有效的手段。实际上，某些公共选择理论学者和“宪政经济学家”试图设计自由化模式的宪政，必会让人觉得是无可救药的天真。因为宪法法院和最高法院的法官是政府机构的重要组成部分，而他们本应限制后者的权力。那他们究竟为什么要限制这么一个给他们提供工作、金钱与特权的组织的权力呢？这样的假设不仅在理论上不能逻辑一致——即与自利假设不相容，而且也缺乏任何历史根据。例如，尽管美国宪法第十九条修正案明确限制了对中央政府的权力，但美国最高法院的解释却使该修正案基本上丧失了法律效力。同样地，尽管西德宪法中含有保障私有财产的宪法条款，但德国最高法院在 1990 年德国重新统一以后，宣布东德 1949 年成立前共产党的所有征没都是“有效”的。因此，前东德用于农业的土地中超过一半被西德政府征用（而非如宪法的书面解释那样重新归还给初始的私人所有者）。

8 原注：国际“无政府状态”对于欧洲资本主义崛起的重要性，已经得到了让·贝克勒（Jean Baechler）的公正强调。他在《资本主义的起源（The Origins of Capitalism）》一书中写道：

“市场的不断扩张，无论是在广泛性还是在强度上，都是由于整个西欧缺乏政治秩序。”（第 73 页）“资本主义扩张的源头及其存在的理由（raison d’etre）要归功于政治无政府状态……集体主义和国家管理只在教科书中获得成功。（第 77 页）

所有权力都趋于绝对。如果它不是绝对的，那是因为某种限制已经开始起作用。那些处于权力中心的人不断试图削弱这些限制。他们从来没有成功过，而且在我看来，原因也要归结为国际体系：国家对外行动受限并受到外国攻击的持续威胁（这是多极体系的两个特点），意味着权力也受到内在限制，它必定要依赖自主的决策中心，因此只能谨慎运用这种自主决策。（第 78 页）”
The competition among small states for taxable subjects brings them into conflict with each other. As a result of interstate conflicts, historically drawn out over the course of centuries, a few states succeed in expanding their territories, while others are eliminated or incorporated. Which states win in this process of eliminative competition depends on many factors, of course, but in the long run, the decisive factor is the relative amount of economic resources at a government's disposal. Through taxation and regulation, governments do not positively contribute to the creation of economic wealth. Instead, they parasitically draw on existing wealth. However, they can influence the amount of existing wealth negatively. Other things being equal, the lower the tax and regulation burden imposed by a government on its domestic economy, the larger its population tends to grow (due to internal reasons as well as immigration factors), and the larger the amount of domestically produced wealth on which it can draw in its conflicts with neighboring competitors. For this reason centralization is frequently progressive. States which tax and regulate their domestic economies little—liberal states—tend to defeat and expand their territories at the expense of nonliberal ones. This accounts for the outbreak of the "Industrial Revolution" in centralized England and France. It explains why in the course of the nineteenth century Western Europe came to dominate the rest of the world (rather than the other way around), and why this colonialism was generally progressive. Furthermore, it explains the rise of the U.S. to the rank of superpower in the course of the twentieth century.

小国家之间为征税对象展开的竞争使它们互起冲突。作为政府间（interstate）冲突的结果（这种冲突数百年来史不绝书），一些国家成功地扩张了领土，而另外一些国家被消灭或者兼并了。当然，在这种你死我活的竞争历程中，哪个国家获胜取决于许多因素，但从长看来，决定因素是政府可支配的相对经济资源量。政府并不能通过税收和管制对经济财富的创造作出积极贡献。相反，它们寄生于既存财富。然而，它们能够对既存财富量施加负面影响。在其他条件相同的情况下，政府对其国内经济实施更低的税收和管制，其人口增长趋势就越强（内部原因和移民因素都会起作用），并且在与邻国竞争对手的冲突中，可利用的国内生产财富就越多。出于这种原因，中心化稳步发展。那些对国内经济的征税与管制较少的国家——自由主义国家——会趋向于击败那些非自由主义国家，以牺牲它们为代价而扩张领土。这就是“工业革命”在中心化的英国和法国爆发的原因。它解释了为什么在十九
However, the further the process of more liberal governments defeating less liberal ones proceeds—i.e., the larger the territories, the fewer and more distant the remaining competitors, and thus the more costly international migration—the lower a government's incentive to continue in its domestic liberalism will be. As one approaches the limit of a One World state, all possibilities of voting with one's feet against a government disappear. Wherever one goes, the same tax and regulation structure applies. Thus relieved of the problem of emigration, a fundamental rein on the expansion of governmental power is gone. This explains developments of the twentieth century: with World War I, and even more so with World War II, the U.S. attained hegemony over Western Europe and became heir to its vast colonial empires. A decisive step in the direction of global unification was taken with the establishment of a pax Americana. And indeed, throughout the entire period the U.S., Western Europe, and most of the rest of the world have suffered from a steady and dramatic growth of government power, taxation, and regulatory expropriation.

In light of social and economic theory and history, then, a case for secession can be made.

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Notes:


那么根据社会经济的理论与历史，我们就可以提出分离（secession）的理由。^{12}

Initially, secession is nothing more than a shifting of control over the nationalized wealth from a larger, central government to a smaller, regional one. Whether this leads to more or less economic integration and prosperity depends largely on the new regional government's policies. However, the act of secession in itself has a positive impact on production, for one of the most important reasons for secession is typically the belief on the part of the secessionists that they and their territory are being exploited by others. The Slovenes felt, and rightly so, that they were being robbed systematically by the Serbs and the Serbian-dominated central Yugoslavian government; the Baltic people resented the fact that they had to pay tribute to the Russians and the Russian-dominated government of the Soviet Union. By virtue of secession, hegemonic domestic relations are replaced by contractual—mutually beneficial—foreign relations. Instead of forced integration there is voluntary separation. Forced integration, as also illustrated by measures such as busing, rent controls, affirmative action, antidiscrimination laws and, as will be explained shortly, "free immigration," invariably creates tension, hatred, and conflict. In contrast, voluntary separation leads to harmony and peace.^{14} Under forced integration any mistake can be blamed on a "foreign" group or culture and all success claimed as one's own; hence, there is little reason for any culture to learn from another. Under a regime of "separate but equal," one must face up to the reality not only of cultural diversity but in particular of visibly different ranks of cultural advancement. If a secessionist people wishes to improve or maintain its position vis-a-vis a competing one, nothing but discriminative learning will help. It must imitate, assimilate, and, if possible, improve upon the skills, traits, practices, and rules characteristic of more advanced societies, and it must avoid those characteristic of less advanced societies. Rather than promoting a downward leveling of cultures as under forced integration, secession stimulates a cooperative process of cultural selection and advancement.^{15}

最初，分离只是将国家财富的控制从一个更大的中央政府，转移到更小的地区性政府那里。这种分离会导致更多还是更少的经济一体化和繁荣，很大程度上取决于新的地区性政府的政策。然而，分离行动本身对生产有积极的影响（positive impact），因为分离的最重要理由之一通常是，分离主义者相信他们和他们的领土正遭受他人的剥削。斯洛文尼亚人感到（他们的感觉是正确的）他们正在被塞尔维亚人及塞尔维亚人主导的南斯拉夫中央政府系统地劫掠；波罗的海沿岸人民痛恨自己不得不供奉俄罗

^{12} 原注：关于以下内容，也见《分离、国家和自由 (Secession, State, and Liberty)》，戈登 (Gordon) 主编；罗伯特·麦基 (Robert McGee)《重新思考分离主义 (Secession Reconsidered)》，载于《自由意志主义期刊 (Journal of Libertarian Studies)》第 11 卷第 1 期 (1994 年)；路德维希·冯·米塞斯《自由主义: 在古典传统中 (Liberalism: In the Classical Tradition)》 (Irvington-on-Hudson, N.Y.: Foundation for Economic Education, 1985)，特别是第 108-110 页。
Moreover, while everything else depends on the new regional government's domestic policies and no direct relationship between size and economic integration exists, there is an important indirect connection. Just as political centralization ultimately tends to promote economic disintegration, so secession tends to advance integration and economic development. First, secession always involves the breaking away of a smaller from a larger population and is thus a vote against the principle of democracy and majoritarian rule in favor of private, decentralized ownership. More importantly, secession always involves increased opportunities for...
interregional migration, and a secessionist government is immediately confronted with the threat of emigration. To avoid the loss in particular of its most productive subjects, it comes under increased pressure to adopt comparatively liberal domestic policies by allowing more private property and imposing a lower tax and regulation burden than its neighbors. Ultimately, with as many territories as separate households, villages, or towns, the opportunities for economically motivated emigration is maximized and government power over a domestic economy minimized.

Specifically, the smaller the country, the greater will be the pressure to opt for free trade rather than protectionism. All government interference with foreign trade forcibly limits the range of mutually beneficial interterritorial exchanges and thus leads to relative impoverishment, at home as well as abroad. But the smaller a territory and its internal markets, the more dramatic this effect will be. A country the size of the U.S., for instance, might attain comparatively high standards of living even if it renounced all foreign trade, provided it possessed an unrestricted internal capital and consumer goods market. In contrast, if predominantly Serbian cities or counties seceded from surrounding Croatia, and if they pursued the same protectionism, this would likely spell disaster. Consider a single household as the conceivably smallest

*原注：前东德的情形提供了关于移民造成改革压力的突出例证。二战后，东德被苏联控制并转为社会主义国家，它一开始就遭受了人口大量外流的痛苦，人们不断流向更自由因而更繁荣的干预主义（社会民主主义）的西德。在1989年东德政府觉得必须建立一个几乎长达900英里的、拥有围墙、电网、布雷场、自动射击装备和岗哨的边界系统，以全力阻止东德人逃离社会主义。从1961年到1989年春，这个麻烦因此得以控制。然而，当社会主义盟友匈牙利开始放弃其对奥地利的边界控制时，东德移民潮立刻死灰复燃。如今已经证明，这是奥地利前王储奥托·冯·哈布斯堡领导的国际反欧联盟成员国游说的结果。事实上，几天之内，东德人经由匈牙利逃亡西方的人数就上升到每天2000多人。正是这些事件，首先导致了东德昂纳克政权的倒台，然后，在永远难忘的1989年11月9日，柏林墙被推倒，最终，数年之后，德国重新统一。参见汉斯·赫尔曼·霍普《统一的德国的去社会化（Desocialization in a United Germany）》，载于《奥地利经济学评论（Review of Austrian Economics）》第5卷第2期（1991年）。
secessionist unit. By engaging in unrestricted free trade, even the smallest territory can be fully integrated into the world market and partake of every advantage of the division of labor, and its owners may become the wealthiest people on earth. The existence of a single wealthy individual anywhere is living proof of this. On the other hand, if the same household owners decided to forego all interterritorial trade, abject poverty or death would result. Accordingly, the smaller a territory and its internal markets, the more likely it is that it will opt for free trade.

Moreover, secession also promotes monetary integration. The process of centralization has also resulted in monetary disintegration: the destruction of the former international commodity (gold) money standard and its replacement with a dollar-dominated system of freely fluctuating government paper monies, i.e., a global, U.S.-led government counterfeiting cartel. However, a system of freely fluctuating paper currencies—the Friedmanite-monetarist ideal—is strictly speaking no monetary system at all. It is a system of partial barter—dysfunctional of the very purpose of money of facilitating rather than complicating exchange. This becomes obvious once it is recognized that from the point of view of economic theory, there is no special significance attached to the way national borders are drawn. Yet if one then imagines a proliferation of ever smaller national territories, ultimately to the point where each household forms its own country, Friedman's proposal is revealed for what it is—an outright absurdity. For if every household were to issue its own paper currency, the world would be right back at barter. No one would accept anyone else's paper, economic calculation would be impossible, and trade would come to a virtual standstill. It is only due to

原注：见米塞斯《自由主义 (Liberalism)》，第 130 页及其后；罗斯巴德《权力与市场 (Power and Market)》，第 47 页及其后；同上《保护主义危险的胡说八道 (The Dangerous Nonsense of Protectionism)》 (Auburn, Ala.: Ludwig von Mises Institute, 1988)。
centuries of political centralization and the fact that only a relatively small number of countries and national currencies remain, and hence that the disintegrative consequences and calculational difficulties are far less severe, that this could have been overlooked. From this theoretical insight it follows that secession, provided it proceeds far enough, will actually promote monetary integration. In a world of hundreds of thousands of independent political units, each country would have to abandon the current fiat money system which has been responsible for the greatest worldwide inflation in all of human history and once again adopt an international commodity money system such as the gold standard.

此外，分离主义也会促进货币一体化。中心化进程还导致了货币非一体化：此前的国际商品（黄金）货币本位被摧毁，取而代之的是一个美元主导的自由浮动的政府纸质通货体系，也就是美国政府领导的全球性造假的卡特尔。然而，自由浮动的纸币体系——弗里德曼式的货币主义理想——严格来说根本不存在任何货币。它是一个部分的物物交换体系——货币的本质目的是使交易更加便利而并非让交易复杂化，浮动汇率使这一功能失调了。一旦人们认识到，从经济理论的观点来看，国家边界的划界方式没有特别意义，这一点就显而易见了。然而，如果人们再想象一下，如果国家领土越来越小的情况大量增加，最终到了每个家庭成立自己国家的地步，弗里德曼的提议就暴露了其彻头彻尾的荒谬。因为如果每个家庭都主张自己的通货，全世界会立刻重回物物交换。没有人会交换其他任何人的纸币，经济计算会成为不可能，贸易会陷入实质上的停滞。只是由于数百年的政治中心化，只留下了数量相对较少的国家和国家货币，因此，非一体化的后果和经济计算的困难远没那么严重，这一点可能被忽


* 原注：特别参见穆瑞·N·罗斯巴德《The Case for a 100 Percent Gold Dollar》。罗斯巴德解释说，

每一个货币国家主义者和民族主义者都没有直面的一个问题是每一种货币的地理边界。如果存在国家浮动汇率的法币，那么什么才是 “国家” 的边界？显然，政治边界几乎没有经济意义……逻辑上，自由浮动的法币的终极形式是人人发行的不同货币……我想如果某些经济学家致力于深入分析这样一个世界会是什么样子，那会很有启发意义。我认为可以肯定地说，世界将会重返极其复杂和混乱的物物交换形式。每一个分立的交易都会要求使用不同的 “货币”，因为不再有任何形式的货币交易媒介。事实上，既然货币意味着一般化的交易媒介，货币这个概念是否继续适用都成疑……简言之，自由浮动的法币瓦解了货币本身的功。它们与货币功能的本质自相矛盾（第55-61页），因此，罗斯巴德总结道：

货币越普遍，劳动分工和源生于市场经济的跨领土商品与服务交易范围就越大。货币媒介因此对自由市场至关重要，而这种货币使用范围越广，市场就拓展得越宽，它的功能就越展现得越好。一言以蔽之，真正的自由贸易确实需要国际商品货币——黄金和白银。任何用国家主义的法币打破这种国际媒介的设想，都会不可避免地削弱和瓦解自由市场和抢劫这个市场的果实。 (第58-61页)
Secessionism, and the growth of separatist and regionalist movements throughout the world represent not an anachronism, but potentially the most progressive historical forces, especially in light of the fact that with the fall of the Soviet Union we have moved closer than ever to the establishment of a "new world order." Secession increases ethnic, linguistic, religious, and cultural diversity, while centuries of centralization have stamped out hundreds of distinct cultures. Secession will end the forced integration brought about by centralization, and rather than stimulating social strife and cultural leveling, it will promote the peaceful, cooperative competition of different, territorially separate cultures. In particular, it eliminates the immigration problem increasingly plaguing the countries of Western Europe as well as the U.S. Presently, whenever the central government permits immigration, it allows foreigners to proceed—literally on government-owned roads—to any of its residents' doorsteps, regardless of whether or not these residents desire such proximity to foreigners. Thus, to a large extent "free immigration" is forced integration. Secession solves this problem by letting smaller territories each have their own admission standards and determine independently with whom they will associate on their own territory and with whom they prefer to cooperate from a distance.

尤其是随着苏联的垮台，我们比以往任何时候都更接近于建立一个“新的世界秩序”，鉴于这一事实，分离主义（Secessionism）以及世界各地的分裂主义（separatist）和地区主义运动并不代表着一种时代的错误，而是代表着潜在的最进步的历史力量。分离增加了民族、语言、宗教和文化的多样性，而数百年的中心化进程已经踏灭了（stamp out）了数百种不同的文化。分离会结束中心化带来的强制一体化，会促进分立领土上的不同文化的和平的、合作性的竞争，而非加剧社会冲突与文化平整（cultural leveling）。特别是，它消除了日益困扰西欧和美国的外来移民问题。目前，只要中央政府允许移民，它就容许外国人从名义上属于政府拥有的道路上直接通往任何一位居民的家门口，而不管这些居民是否渴望如此接近外国人。因此，很大程度上“自由移民”就是强制一体化。分离主义解决这一问题的方法，是让较小的领土各自设立准入标准，并独立决定在自己的领土上与谁交往，以及愿意与谁进行远距离的合作。

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20 cultural leveling 不是指“文化水平”。这里的 leveling，是指 the act of making equal or uniform（使之制式化或等同的行动），cultural leveling 此处是指，在强制性的文化一统，因此翻译成不太常见的词组“文化平整”。

21 原注：关于这一主题，也可参见阿道夫・加瑟（Adolf Gasser）《拯救欧洲的社区自由 (Gemeindefreiheit als Rettung Europas)》 (Basel: Verlag Biicherfreunde, 1943)。
Lastly, secession promotes economic integration and development. The process of centralization has resulted in the formation of an international, U.S.-dominated government cartel of managed migration, trade, and fiat money, ever more invasive and burdensome governments, globalized welfare-warfare statism and economic stagnation or even declining standards of living. Secession, if it is extensive enough, could change all this. The world would consist of tens of thousands of distinct countries, regions and cantons, and of hundreds of thousands of independent free cities such as the present-day "oddities" of Monaco, Andorra, San Marino, Liechtenstein, Hong Kong, and Singapore. Greatly increased opportunities for economically motivated migration would result, and the world would be one of small liberal governments economically integrated through free trade and an international commodity money such as gold. It would be a world of unheard of prosperity, economic growth, and cultural advancement.22

最终，分离会促进经济一体化和发展。中心化进程已经导致了由美国主导的国际性政府卡特尔管理的移民、贸易和法币体系之形成，导致了侵略性更强和人民越来越难以负担的政府，导致了全球性的福利国家主义与战争国家主义，以及经济停滞，甚至生活水平的下降。如果分离扩展得足够深入，可能会改变这一切。世界将会由数以万计的不同国家、宗教和行政区划，以及数十万个今日之摩纳哥、安道尔、圣马力诺、列支敦士登、香港和新加坡这样“古怪”的自由城市组成。经济驱动的移民机会将会大大增加，世界将会成为一个自由主义小政府的世界，它通过自由贸易和国际商品货币（如黄金）在经济上实现一体化。这会是一个闻所未闻的繁荣、经济增长和文化进步的世界。22

22 原注：关于从这一发展中可以预计的文化进步，用德国最伟大的作家和诗人约翰-沃尔夫冈-冯-歌德(Johann Wolfgang von Goethe, 1749–1832)的一些中肯观察作总结是非常恰当的。1828年10月23日，彼时德国仍被分裂成39个国家，歌德与约翰-彼得-埃克曼（Johann Peter Eckermann）在一次关于德国政治统一之可取性（desirability）的谈话（见《歌德生命的最后数年（Gespräche mit Goethe in den letzten Jahren seines Lebens）》）中解释道：

我不担心德意志未来不统一……她是统一的，因为德意志的公路和铁路在帝国全境都有着同样的价值，因为我的旅行箱在德意志全境三十六邦都通行无阻，用不着打开来检查……德意志在度量衡，贸易和移民以及许多其它类似细节方面也都是统一的……不过，我们如果认为德意志的统一应该表述为形成一个巨大的首都，且这个大都市既有利于发展个别人物的伟大才能，又有利于为人民大众谋幸福，那我们就想错了……有一个精明的法国人，我想是杜宾(Dupin, 1784－1873，法国经济学家和工程师)……绘制过一幅法国文化情况图，用色调的明暗程度去表示法国各地区启蒙程度的高低。我们发现，某些地区，特别是远离都城的南方各省，就用纯黑色来表示彻底的文化黯淡。但是美丽的法兰西如果不只有一个大中心点，而有十个中心点在输送光和生命，它的文化会怎么样呢?……而德意志的伟大是其光辉的民族文化，这种文化已经均匀地流灌到了全国各地。而德意志文化不正是从诸多不同的王公府邸发源，并由它们传袭和展呈的吗？试设想数百年前，德意志各国既无维也纳和柏林两个都城，甚至只有一个，我倒想知道，在这种情况下德意志文化会怎么样，以及与文化携手并进的遍及全德的繁荣富足又会象什么样子……德意志有二十余所大学遍布全境，还有一百余所公共图书馆以及数目相近的艺术收藏馆和自然博物馆；因为每个王公都想将美好的事物招引到自己身边。中等学校和技艺专科学校多得不可胜数，几乎没有哪个德意志乡村没有学校。在这一点上，法国的情况怎么样！……再看德意志有多少剧院，全国已有七十余座了……没有哪个地方如德意志那样风行音乐与歌曲的演出和欣赏……再想想德累斯顿，Munich，斯图加特，卡泽尔，不伦瑞克，汉诺威之类城市，想想这些城市展现出来的能量，想想它们对临近地区的影响，扪心自问，如果这些城市不是许久以来各邦君主的处所，一想这些城市里有这么多大量的生活必需品，
它们对附近各地起了什么作用，然后再想一想。它们假如不是许久以来就是各邦君主坐镇的处所，所有这一切可能存在吗？……
法兰克福、不来梅、汉堡和吕贝克（Liibeck）都是伟大光辉的城市，它们对德意志繁荣所起的作用是无法估量的。然而，它们如果丧失了各自的独立性，而作为直辖城市并入大德意志帝国，它们还能象过去一样吗？我有理由对这一点表示怀疑。我有理由对这一点表示怀疑。（此段参考了朱光潜先生译自德文的《歌德谈话录》中译）
Wealth can be brought into existence or increased in three and only three ways: by perceiving certain nature-given things as scarce and actively bringing them into one's possession before anyone else has done so (homesteading); by producing goods with the help of one's labor and such previously appropriated resources; or by acquiring a good through voluntary, contractual transfer from a previous appropriator or producer. Acts of original appropriation turn something which no one had previously perceived as scarce into an income-providing asset; acts of production are by their very nature aimed at the transformation of a less valuable asset into a more valuable one; and every contractual exchange concerns the exchange and redirection of specific assets from the hands of those who value their possession less to those who value them more.

1 反社会化，Desocialization，此处不可按中文日常语义望文生义，这里的socialization(社会化)，接近于“公有”的含义，与私有化相对立，它是指包括生产资料在内的私有财产及其他资源或行动许可，归属公共管理或社会所有。而反社会化就是指改变这种状况。

2 原注：我们要注意，这些行动中的每一项都符合所谓“帕累托改进”(Pareto-superior move)，亦即至少有某个人的福利在没有损害他人福利的情况下得到了提升。因此，即使效用无法在人际间进行比较，也可以说上述每一项行动增进了社会福利(social welfare)。关于威尔弗里德·帕累托(Vilfredo Pareto)对“社会福利”一词的有效应用(meaningful use)之限制，参见他《政治经济学手册(Manual of Political Economy)》(New York: Augustus M. Kelley, 1971)一书。在书中，他写道：

“设想某一位置，并假定我们以符合约束条件——即能实现集体中个人最大福利可能——的极小量离开这一位置。如果这么做，集体中所有个体的福利都增加了，那么很明显，新位置对每个人都更有利；反之，如果所有人的福利都减少了，那么新位置就不
From this it follows that socialism can only lead to impoverishment.

由此可知，社会主义只能导致贫困。

First of all, under socialism, ownership of productive assets is assigned to a collective of individuals regardless of each member's prior action or inaction relative to the owned assets. In effect, socialist ownership favors the nonhomesteader, the nonproducer, and the noncontractor and disadvantages homesteaders, producers, and contractors. Accordingly, there will be less original appropriation of natural resources whose scarcity is realized, there will be less production of new and less upkeep of old factors of production, and there will be less contracting, for all of these activities involve costs. Under a regime of collective ownership the cost of performing them is raised, and that of not performing them is lowered.

首先，在社会主义条件下，生产性资产的所有权被分派给个人组成的集体，而不管每个成员先前是否对这些资产采取了相关行动。实际上，社会主义所有制有利于非拓殖者、非生产者、非订约者，而不利于拓殖者、生产者和订约者。相应地，对被人们认识到存在稀缺性的自然资源的初始占有会减少，

那么有利。此外，在不改变这些结论的情况下，某些人的福利会保持不变。但是，另一方面，如果这一小量变动增加了特定个体的福利并减少了其他人的福利，我们就不能再肯定地说进行这一变动对整个集体是有利的。（第 451 页）


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新生产要素和缺乏维护的旧生产要素的生产会减少以及契约也会减少，所有这些活动都会涉及到成本。在集体所有制下，执行集体所有权的成本会增加，不执行集体所有权的成本会降低。³

Second, since means of production cannot be sold under socialism, no market prices for factors of production exist. Without such prices, cost-accounting is impossible. Inputs cannot be compared with outputs, and it is impossible to decide if their usage for a given purpose is worthwhile or leads to the squandering of scarce resources in the pursuit of projects with relatively little or no importance for consumers. Because he is not permitted to take offers from private individuals who might see an alternative way of using a given means of production, the socialist caretaker of capital goods does not know what his foregone opportunities are. Hence, permanent misallocations of production factors must ensue.⁴

Third, even given some initial allocation, since input factors and the output produced are owned collectively, every single producer's incentive to increase the quantity and/or quality of his individual output is systematically diminished, and his incentive to use input factors so as to avoid their over- or underutilization is reduced. Instead, with gains and losses in the socialist firm's capital and sales account socialized instead of attributed to specific, individual producers, everyone's inclination toward laziness and negligence is


⁴ 原注：见路德维希·冯·米塞斯 (Ludwig von Mises)，《社会主义联邦的经济计算 (Economic Calculation in the Socialist Commonwealth)》(Auburn Ala. : Ludwig von Mises Institute, 1980); 同上，《社会主义：经济学和社会学分析 (Socialism: Economics and Sociology)》(Indianapolis, Ind. : Liberty Fund, 1981); 同上，《人的行动：经济学论文》，学者版 (Auburn Ala. : Ludwig von Mises Institute, 1998); 默里·N·罗斯巴德，《人，经济与国家 (Man, Economy, and State)》 第 2 卷 (Auburn Ala. : Ludwig von Mises Institute, 1993)，尤其是 544-550, 585, 586 页; 同上，《路德维希·冯·米塞斯与社会主义下的经济计算 (Ludwig von Mises and Economic Calculation under Socialism)》和《社会主义的终结与重温经济计算辩论 (The End of Socialism and the Calculation Debate Revisited)》，载于氏著《行动逻辑之— (The Logic of Action One)》; 约瑟夫·T·萨勒诺 (Joseph T. Salerno) 《作为社会理性主义者的路德维希·冯·米塞斯 (Ludwig von Mises as Social Rationalist)》，载于《奥地利经济学评论 (Review of Austrian Economics)》第 4 卷 (1990)。
systematically encouraged. Hence, an inferior quality and/or quantity of goods will be produced and permanent capital consumption will ensue.

Third, 即使给予 一些初始配置，由于投入要素和产出属于集体所有，每个生产者增加其个体产出的质量和/或质的动机被系统性消除了，避免过度或低效利用投入要素的动机也被削弱了。相反，随着社会主义企业的资本与销售账目的损益被社会化，而非落实到具体的个体生产者头上，每个人的懒惰与疏忽倾向得到了系统性的鼓励。因此，随之而来的是，财货生产量质双降，以及持续地资本消耗。⁵

Fourth, under a regime of private property, the person who owns a resource can determine independently of others what to do with it. If he wants to increase his wealth and/or rise in social status, he can only do so by better serving the most urgent wants of voluntary consumers through the use he makes of his property. With collectively owned factors of production, collective decisionmaking mechanisms are required. Every decision as to what, how, and for whom to produce, how much to pay or charge, and whom to promote or demote, is a political affair. Any disagreement must be settled by superimposing one person's will on another's view, and this invariably creates winners and losers.Hence, if one wants to climb the ladder under socialism, one must resort to one's political talents. It is not the ability to initiate, to work, and to respond to the needs of consumers that assures success. Rather, it is by means of persuasion, demagoguery, and intrigue, through promises, bribes, and threats that one rises to the top. Needless to say, this politicalization of society, implied by any system of collective ownership, contributes even more to impoverishment.⁶

第五，在私有财产制度下，拥有一种资源的人可以独立于他人决定如何处置它。如果他想增加财富和/或提升社会地位，只能通过运用其财产，更好地服务于自愿消费者最迫切的需求来实现。随着生产要素归集体所有，就需要集体决策机制。生产什么、如何生产、为谁生产、支付或收取多少费用、提拔或黜用谁，每一个决定都是一项政治事务。任何分歧都必须以将某人的意志置于他人意见之上的方式解决，而这不可避免会产生赢家和输家。因此，在社会主义条件下，一个人如果想要爬上高位，必须诉诸其政治天赋。创造能力、工作能力与回应消费者需求的能力并非成功的保证。相反，以说谎、

The manifest bankruptcy of socialism all across Eastern Europe since the late 1980s, after some seventy years of "social experimentation," provides a sad illustration of the validity of economic theory. What does the theory that long ago predicted this result as inevitable now imply regarding how Eastern Europe can rise most quickly from the ruins of socialism? Since the ultimate cause of its economic misery is the collective ownership of factors of production, the solution and key to a prosperous future is privatization. Yet how should socialized property be privatized?  

自二十世纪八十年代以来，经过约七十年的“社会实验”，东欧各国社会主义明显破产（manifest bankruptcy），这给经济理论的有效性提供了令人悲伤的示例。很久以前，经济理论就预言了这一结果不可避免。现在，东欧如何才能从社会主义的废墟中迅速崛起，经济理论有何启示？既然东欧经济苦难的终极根源是生产要素的集体所有制，那么解决办法以及未来繁荣的关键是私有化。然而，社会化的财产该如何私有化？

II 工团主义私有化策略

The manifest bankruptcy of socialism all across Eastern Europe since the late 1980s, after some seventy years of "social experimentation," provides a sad illustration of the validity of economic theory. What does the theory that long ago predicted this result as inevitable now imply regarding how Eastern Europe can rise most quickly from the ruins of socialism? Since the ultimate cause of its economic misery is the collective ownership of factors of production, the solution and key to a prosperous future is privatization. Yet how should socialized property be privatized? 

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尽管存在大量探讨私有财产社会化的文献，但很少有关于如何反社会化的作品。人们可能会怀疑，这种忽视的原因在于，在大多数西方知识分子中都能反复发现或隐或现的社会主义偏好，有鉴于此，任何对反序列化的【译注：deserialization】问题的处理都必然看上去毫无意义，人们为什么会想从一个所谓的“社会演化的高级阶段（亦即社会主义）”返回到更低的阶段（即资本主义）？即使在米塞斯学派内部，关于这个对东欧人民面临的选择
An elementary yet fundamental moral observation must precede the answer to this question. Since socialism cannot arise without the expropriation of assets originally "created" and owned by individual homesteaders, producers, and /or contractors, all socialist property, illbegotten from the very start, should be forfeited. No government, even if freely elected, can be considered the owner of any socialist property, for a criminal's heir, even if himself innocent, does not become the legitimate owner of illegitimately acquired assets. Because of his personal innocence he remains exempt from prosecution, but all of his "inherited" gains must immediately revert to the original victims, and their repossession of socialist property must take place without their being required to pay anything. In fact, to charge a victimized population a price for the reacquisition of what was originally its own would itself be a crime and would forever take away any innocence that a government previously might have had.

在回答这个问题之前，必须有一个初级但却根本的道德观察。没有对初始“创造”的和由个体拓殖者，个体生产者和/或个体订约者所有的资产的征掠，社会主义无法兴起，既然如此，那么社会主义的一切财产——它一出生就是病态的（illbegotten from the very start）——都应该被罚没。任何政府——即使它是自由选举的——都不能被视为任何社会性财产的所有者，因为一个罪犯的继承者——即使他自己是无辜的——不能成为非法窃取之资产的合法所有者。由于他个人是清白的，他可以免于被诉，但是他所“继承”的一切所得必须立即返还给初始受害人，受害人必须重新获得社会性财产，并且无需支付任何代价。事实上，向受害民众索取重新获得其原本所有之物的代价本身就是犯罪，这种做法将使此前原本可能清白的政府永远无法洗脱罪责。

问题，充其量也仅有含蓄的建议。极少数例外可参见穆瑞・N・罗斯巴德《如何反社会化 (How To Desocialize)》和《为社会主义集团开出的激进处方 (A Radical Prescription for the Socialist Bloc)》，载于《自由经济学 (The Economics of Liberty)》，小卢埃林・H・罗克韦尔 (Llewellyn H. Rockwell Jr.) 主编 (Auburn, Ala.: Ludwig von Mises Institute, 1990)；同上，《如何反社会化和不反社会化 (How and How Not To Desocialize)》，载于《奥地利经济学评论 (Review of Austrian Economics)》第 6 卷第 1 期 (1992)；杰弗里・赫布纳 (Jeffrey Herbener)《反社会化中企业的作用 (The Role of Entrepreneurship in Deserialization)》，载于《奥地利经济学评论 (Review of Austrian Economics)》第 6 卷第 1 期 (1992)


10 原注：当然，经验上，这正是后共产主义政府大体上所为之事。在这方面特别值得注意的是德国的情况。1991 年德国重新统一后，（保守派）德国政府在其最高法院的支持下，拒绝将 1946 年至 1949 年期间在苏俄主导下前东德征没的任何财产（占所有农业用地的 50%以上！）归还给它原来的主人。相反，政府将这片土地卖给了自己喜欢的“客户”，在许多案例中，这些客户包括由前共产主义征没者转变而成的资本家。相比之下，直到今天，初始所有人或他们的继承人还没有得到一分钱赔偿。
More specifically, all original property titles should be recognized immediately, regardless of who presently owns them. Insofar as the claims of original private owners or their heirs clash with those of the current assets’ users, the former should override the latter. Only if a current user can prove that an original owner-heir’s claim is illegitimate—that the title to the property in question had initially been acquired by coercive or fraudulent means—should a user’s claim prevail and should he be recognized as the legitimate owner."

Regarding socialist property that is not reclaimed in this way, syndicalist ideas should be implemented; that is, the ownership of assets should immediately be transferred to those who use them—the farmland to the farmers, the factories to the workers, the streets to the street workers or the residents, the schools to the teachers, the bureaus to the bureaucrats, and so on. To break up the mostly over-sized socialist production conglomerates, the syndicalist principle should be applied to those production units in which a given individual's work is actually performed, i.e., to individual office buildings, schools, streets or blocks of streets, factories and farms. Unlike syndicalism, yet of the utmost importance, the property shares thus acquired should be freely tradeable and a stock market established so as to allow a separation of the functions of owner-capitalists and non-owning employees, and the smooth and continuous transfer of assets from less into more value-productive hands."

针对不以这种方式重新提出主张的社会性财产，应该采纳工团主义的观念（syndicalist ideas）；也就是说，资产的所有权应立即转交给那些使用资产的人——农田转给农民、工厂转给工人、街道转给街

"原注：在前使用者实际上是从政府手中购得被征掠的资产的情形下，受害群众应该向那些出售这些资产的人索偿，并且负责出售资产的政府官员应该被强制偿还购买价款。关于犯罪性占有、恢复原状、举证责任和其他相关主题参见罗斯巴德《自由的伦理（The Ethics of Liberty）》，尤其是第 9-11 章；汉斯-赫尔曼·霍普《财产、无政府与国家（Eigentum, Anarchie und Staat）》（pladen: Westdeutscher Verlag, 1987），尤其是第 4 章。

工团主义一般是指一种以劳工运动为主导的，旨在工人阶级团结起来组织工会，通过纯粹的工人组织以及罢工来推翻资本主义和国家，以使企业由资本家主导变成由工人主导的思潮或者运动。就其推翻国家这一部分而言，它属于左翼无政府主义之一种。霍普此处引用工团主义观念，所涉及的是原本由国家或者集体控制和决策的社会性资产如何分配的问题，按照工团主义对这一议题的主张，是指应该让实际使用和支配生产要素或者资产的劳动者直接成为相关要素（资产）的所有者。"
道清洁工或居民、学校转教教师、行政机构转给官僚等等。为了打破多半是规模过大的社会性生产集团，工团主义原则应该适用于那些某些社会个体实际上在其中从事工作的生产单位，亦即个别办公楼、学校、街道或街区、工厂和农田。与工团主义不同，然而十分重要的是，据此获得的财产份额应该是可自由交易的，应该建立证券市场，以允许对资本所有者和没有所有权的雇员作功能性区分，允许资产顺利地和持续地转移到对它估值较高并更具生产力的人手中。③

③ 原注：此处引用的“工团主义”不能解释为对“工团主义纲领”的背书（参见上一条注释），也可参见下一条注释。恰恰相反，工团主义的口号——“铁路归铁道工、矿山归矿工、工厂归工人”等本意是一种资本家企业私人所有者的纲领。米塞斯写道，

“工团主义类似社会主义，旨在消除工人与生产资料的分离，只不过它是以另一种方式进行。不是所有的工人都会成为一切生产资料的所有者；那些身处某一特定行业或事业中的人，或者从事某一完整生产门类的工人将获得其中所使用的生产资料。”（《社会主义》，第 240 页）

此处提出运用工团主义观念，效果恰恰相反，它是指一种在此前被社会化的生活要素不存在可识别的初始（被征掠的）或所有人者的情况下，将这些要素进行私有化的手段。此时，在这些——也仅有——这些情形下，可以运用工团主义口号的伦理依据在于，这种私有化方案刚好最接近于约翰·洛克所描述的自然状态原始状态中无主财产的首次（初始）占有。而在另一方面工团主义只涉及对于铁道“混入了他们的劳动”，矿工对于矿山也一样。因此，必须认为他们比其他任何人的确更有根据主张这些资源的所有权。

④ 原注：根据工团主义纲领的本意，它主张永久消除工人与生产资料的分离[见前注]，因此，必须排除工人对其“财产份额”的任何交易与出售。米塞斯解释道：

“如果工团主义改革仅仅意味着生产性财货的再分配，那么在生产资料方面它就不能允许资本主义的财产安排继续存在，它必须将生产性财货撤出市场。公民个体不得不处置分配给他们的生产资料份额，因为在工团主义之下，这些份额与所有者个人之间的关系必然比在自由社会中更为密切。”（《社会主义》，第 242 页）

实际上，在工团主义之下，工人并非通常字面意义上的“所有者”，正如米塞斯说指出的，“总是存在处置权力……私有财产只有在那些个人能够以他认为最有利的方式处置其私人所有的生产资料之处才能存在。”（第 244-245）事实上，如果允许工人处置他们的份额，立刻恢复此前的资本主义原状——一边是资本所有者（财产），另一边是工人（劳动力），二者泾渭分明。然而，米塞斯解释道，

“如果不允许这样做，那么就会出现难以克服的困难，除非不现实地假定在生产方式、供需关系、技术或人口方面，不会发生任何变动……如果需求的幅度与程度发生变化或者生产技术造成了工业组织形式的变化——它要求工人从一个工厂转移到另一个工厂或从一个生产门类转移到另一生产门类——那么这些工人的生产资料份额该如何处置的问题立即就出现了。工人及其继承人是应该保留那些在工团主义化时他们恰好所属的工厂之份额并以纯粹领薪且不允许获得财产性收入的工人身份进入新工厂，还是应该丧失其原有工厂之份额并转而获得新工厂中的工人群体已经拥有的同等人头份额？每种解决方法都会很快违背工团主义的原则……如果工人因离开工厂而丧失其份额，又因进入另一工厂而获得份额，那么那些因变动而受损的工人自然会极力反对生产中的任何变革。如果采用某种提高劳动生产率的方法会代替或可能代替工人，那么这种方法将不会遭到抵制。另一方面，一个企业或产业门类的工人会反对任何通过引入新员工来发展企业的做法，如果这种发展会威胁到他们的财产性收入的话。简而言之，在实践中，工团主义会让一切生产变革都不可能。工团主义存在之处不可能有经济进步。”（第 242-244 页）

关于工团主义，进一步参见米塞斯《人的行动》第 23 章；同上《货币、方法与市场过程》（Boston：Kluwer，1990）第 18 章。
Two problems are connected with this privatization strategy. First, what is to be done in the case of newly erected structures—which according to the proposed scheme would be owned by their current productive users—built on land that is to revert to a different original owner? While it may appear straightforward enough to award each current producer with an equal property share, how many shares should go to the land owner? Structures and land cannot be physically separated. In terms of economic theory, they are absolutely specific complementary production factors whose relative contribution to their joint value product cannot be disentangled. In this case there is no alternative but to bargain. This—contrary to the first impression that it might lead to permanent, unresolvable conflict—should hardly cause many headaches, for invariably there are only two parties and strictly limited resources involved in any such dispute. Moreover, to find a quick, mutually agreeable compromise is in both parties' interest, and if either party possesses a weaker bargaining position it is clearly the landowner (because he cannot sell the land without the structure owners' consent while they could dismantle the structure without needing the landowner's permission).

Second, the syndicalist privatization strategy implies that producers in capital intensive industries would have a relative advantage as compared to those in labor intensive industries. The value of the property shares received by the former would exceed the wealth awarded to the latter, and this unequal distribution of wealth would require justification, or so it seems. In fact, such justification is readily available. Contrary to widespread "liberal" (i.e., social democratic) beliefs, there is nothing ethically wrong with inequality. Indeed, the problem of privatizing formerly socialized property is almost perfectly analogous to

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1. *Footnote:* For the purposes of fairness, the best is to give to workers in a given production unit according to the time served, whether they are retired or not.

2. *Footnote:* For the economy and state, see Mises, *Human Action*, p. 256; for the socialist beliefs, see Mises, *The Mind of the Socialists*, p. 308.
that of establishing private property in a "state of nature," i.e., when resources are previously unowned. In this situation, according to the central Lockean idea of natural rights which coincides with most people's natural sense of justice, private property is established through acts of homesteading: by mixing one's labor with nature-given resources before anyone else has done so. Insofar as any differences between the quality of nature-given resources exist, as will surely be the case, the outcome generated by the homesteading ethic will be inequality rather than equality. The syndicalist privatization approach is merely the application of this homesteading principle to slightly changed circumstances. The socialized factors of production are already homesteaded by particular individuals. Only their property right regarding particular production factors has been ignored so far, and all that would occur under the proposed scheme is that this unjustifiable situation would finally be rectified. If such rectification results in inequalities, this is no more unfair than the inequalities that would emerge under a regime of original, unadulterated homesteading.

第二，工团主义私有化策略意味着与那些劳动密集型企业生产者相比，资本密集型企业生产者具有相对优势。后者获得的财产份额价值会超过前者获得的财富，这种财富的不平等分配也要求正当理由或者看上去要有正当理由。事实上，这种正当理由是现成的。与广为传播的“自由主义”（即社会民主主义）信念相反，不平等在伦理上没有任何错误。事实上，对之前已经社会化财产进行私有化的问题，几乎完全类似于在“自然状态”（即资源此前无主的状态）建立私有财产权的问题。在这种情况下，根据洛克式的自然权利的核心观念（它与大多数人自然的正义感相吻合），私有财产是通过拓殖行动——即先于他人将自己的劳动混入自然赋予的资源——建立起来的。工团主义私有化的方法纯粹是将

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[注释]


2. 原注：见约翰·洛克《政府论 (下) (Two Treatises of Government, book 2)》第27节，他写道：

尽管土地和一切低等生物为一切人所共有，但是每个人对自己的“人身”拥有一项“财产”，除他以外任何人都没有这种权利。我们可以说，其身体之“劳力”与双手之“工作”，是正当地属于他的。那么，不管怎样，只要他使任何东西脱离自然所提供的和使之处的状态，他就已经混入了自己的劳动，将自己所有的某种东西掺入进去，因而使它成为他的财产。因为是他使此物脱离自然所安排给它的一般状态，那么他的这种劳动给此物加上了一些东西，从而排斥了其他人的共同权利。因为，“劳力”是劳动者无可争议的所有物，所以他除他以外没有人有权利享有这一有所增益之物，至少在还留有足够的情况下，事情就是如此。”（译注：此段参考了叶郑芳、瞿菊农先生《政府论 (下) 》的中译）

另见上文注256。为了防止任何误解，此处所指对洛克的赞同指其核心的“拓殖”观点。它不包含对刚刚引用的段落之首句的赞同，也不包括该段落的名言“的”内容。相反，首句关于自然资源“共同”所有权的陈述要求既不必要，也
这种拓殖原则应用于稍有变化的情形。社会化生产要素已经被特定个体所拓殖，只是这些个体关于特定生产要素的财产权利被忽视到如今这种地步，而根据拟议方案，这种不合理的情形最终会得到纠正。如果这种纠正导致了不平等，那么与初始的、纯粹的拓殖制度下所涌现的不平等相比，这种不平等不会更加不公平。③

Moreover, our syndicalist proposal is economically more efficient than the only conceivable privatization alternative in line with the basic requirement of justice (the recognition that the government does not legitimately own the socialized economy; hence, selling or auctioning it off should be out of the question). According to the latter alternative, the entire population would receive equal shares in all of the country's assets not reclaimed by an original, expropriated owner. Aside from the questionable moral quality of this policy, it would be extremely inefficient. For one thing, in order for such countrywide distributed shares to become tradeable property titles, they must specify to which particular resource they refer. Therefore, to implement this proposal, first a complete inventory of all of the country's assets would be required, or at least an inventory of all its distinctively separable production units. Second, even if such an inventory were finally assembled, the owners would consist by and large of individuals who knew next to nothing about the assets

是无法证实的神学预设。在初始占有行动之前，自然是而且必须被视为是完全无主的。因此，但书显然与洛克的主要观点逻辑不一致，必须放弃。关于这一点参见理查德·A·爱泼斯坦 (Richard A. Epstein)《征收 (Takings)》(Cambridge, Mass.: Harvard University Press, 1985) 第 10–12 页。从对洛克的初始前提的否定可以看出，对洛克先占理论的批评之一——如赫伯特·斯宾塞 (Herbert Spencer)《社会静力学 (Social Statics)》第 9–10 章——也必须被视为无效而否定之。斯宾塞同意洛克的初始前提，但是基于这一前提，他得出结论：这就禁止任何土地私有权。对斯宾塞来说，人们只能通过支付“地租”的方式从“社会”中租用土地。关于亨利·乔治 (Henry George) 及其追随者对这一命题及类似命题的批判，见罗斯巴德《权力与市场 (Power and Market)》(第 122–135 页)。

对于洛克式但书和/或斯宾塞土地平等主义的现代变体的支持，见诺齐克《无政府、国家与乌托邦 (Nozick, Anarchy, State, and Utopia)》第 178 页及其后，和希勒尔·施蒂纳 (Hillel Steiner) 《生产资料的自然权利 (The Natural Right to the Means of Production)》，载于《哲学季刊 (Philosophical Quarterly)》第 27 期 (1977)；对这些自相矛盾的理论变体的反驳，参阅杰弗里·保罗 (Jeffrey Paul) 《历史名义所有权与自然资源的权利 (Historical Entitlement and the Right to Natural Resources)》，载于《人、经济和自由》，穆瑞·N·罗斯巴德、沃尔特·布洛克 (Walter Block) 和小卢埃林·H·罗克韦尔 (Llewellyn H. Rockwell Jr.) 主编 (Auburn, Ala.: Ludwig von Mises Institute, 1988) 和弗雷德·D·米勒 (Fred D. Miller) 《私有财产的自然权利 (The Natural Right to Private Property)》，载于《自由意志主义读者 (The Libertarian Reader)》，提博尔·R·马坎 (Tibor R. Machan) 主编 (Totowa, N.J.: Rowman and Littlefield, 1982)。

③ 原注：关于最一致和最完善的洛克式产权理论，参见罗斯巴德《自由的伦理 (The Ethics of Liberty)》；同上《法律、财产权与空气污染 (Law, Property Rights, and Air Pollution)》，载于氏著《行动逻辑二 (The Logic of Action Two)》(Cheltenham, U.K.: Edward Elgar, 1997)；关于对拓殖原则的理论辩护作为伦理学无可争辩的公理基础，参见霍普《财产、无政府与国家 (Eigentum, Anarchie und Staat)》第 4 章；同上《社会主义与资本主义理论 (A Theory of Socialism and Capitalism)》第 2 章与第 7 章；同上《私有财产的经济学与伦理学 (The Economics and Ethics of Private Property)》第 8–11 章以及附录。
they owned. In contrast, under the nonegalitarian syndicalist-privatization scheme no inventory is necessary.
Furthermore, initial ownership comes to rest exclusively with individuals who, because of their productive involvement with the assets owned by them, are by and large best informed to make a first realistic appraisal of such assets.

此外，我们的工团主义建议，在经济上比仅仅看到符合公正之基本要求的另一种私有化方案更有效率（后一种方案认为政府拥有社会化经济是不合法的，出售或拍卖社会化财产不在考虑之列）。根据后一种方案，所有人都应该从所有没有被初始的、被征没的所有者主张的国家资产中获得同等份额。这种政策除了在道德上可疑之外，也会是极为低效的。首先，为了让这种全国范围的再分配份额成为可交易的财产所有权，必须详细列出这些份额所涉及的特定资源。因此，为了执行这一建议，首先需要对国家资产进行彻底清查，或者至少清查出可明确分割的生产单元。其次，即使这种库存最终被列出来，接下来其所有者也基本上会是对他们所拥有的资产一无所知的个人。相反，在非平等主义的工团主义私有化方案下，根本不必进行清查。此外，初始所有权完全归于那些总的来说最了解这些资产的个体（因为这些人生产性地参与其所拥有的资产）。

In conjunction with the privatization of all assets according to the principles outlined, the government should adopt a private property constitution and declare it to be the immutable basic law for the entire country. This constitution should be extremely brief and lay down the following principles in terms as unambiguous as possible: Every person, apart from being the sole owner of his physical body, has the right to employ his private property in any way he sees fit so long as in so doing he does not uninvitedly change the physical integrity of another person's body or property. All interpersonal exchanges and all exchanges of property titles between private owners are to be voluntary (contractual). These rights of a person are absolute. Any person's infringement on them is subject to lawful prosecution by the victim of this infringement or his agent, and is actionable in accordance with the principles of the proportionality of punishment and of strict liability.

为了配合根据上述原则对所有资产所进行的私有化，政府应实行一部私有财产宪法，并宣布它是整个国家不可变更的基本法。这部宪法应当十分简短，并尽可能毫不含糊地规定如下原则：每个人除了是其身体的唯一所有者之外，有权以他认为合适的方式运用其私有财产，只要这种运用不曾未经允许

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注：如果不考虑某个人对所拥有的资产是否采取了行动，如何证明生产性资产的所有权可以转让？更具体地说，如果某个人对某一特定资产的存在或维护事实上毫无贡献，甚至可能不知道有这种资产的存在，如何证明这个人与其他行动客观地对该资产的存在或维系有所贡献的人对拥有这种资产有着同样的合理性？
许地改变他人身体或财产的物理完整性。所有人际交换和私人所有者之间的财产权易手都是自愿的（契约性的）。个人的这些权利是绝对的。任何人对这些权利的侵犯，受制于该侵犯行为的受害者或其代理人的合法控告，并可根据罚当其罪原则（the principles of the proportionality of punishment）与严格责任原则提起诉讼。21

As implied by this constitution, then, all existing wage and price controls, all property regulations and licensing requirements, and all import and export restrictions should be immediately abolished and complete freedom of contract, occupation, trade and migration introduced. Subsequently, the government, now propertyless, should declare its own continued existence unconstitutional—insofar as it depends on noncontractual property acquisitions, that is, taxation—and abdicate.22

那么，根据这部宪法的含义，所有既存的工资与价格控制、所有财产管制与许可证要求以及所有进出口限制都应该立即废除，并实行彻底的自由合同、自由职业、自由贸易和自由移民。随后，现在已经身无分文的政府应宣布其自身的继续存在是违宪的——因为它依赖于非合约的财产获得（即征税）——并宣布解散（abdicate）。22

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22 原注：关于无国家社会 (stateless society) 的伦理学和经济学，见穆瑞·N·罗斯巴德《没有国家的社会 (Society Without a State)》，载于《无政府主义 (Anarchism)》(Nomos XIX)；罗兰·彭诺克 (Roland Pennock) 和约翰·W·查普曼 (John W. Chapman) 主编 (New York: New York University Press, 1978)；同上，《为了新自由 (For A New Liberty)》(New York: Collier, 1978)；布鲁斯·本森 (Bruce Benson) 《法律企业：没有国家的正义 (The Enterprise of Law: Justice Without the State)》(San Francisco: Pacific Research Institute, 1990)。
III 纯粹私产社会的前景

The result of this complete abolition of socialism and the establishment of a pure private property society—an anarchy of private property owners, regulated exclusively by private property law—would be the quickest way to economic recovery for Eastern Europe. From the outset, by and large the population would be amazingly rich, for although the economies of Eastern Europe are in shambles, the countries are not destroyed. Real estate values are high, and despite all of the capital consumption of the past there are still massive amounts of capital goods in existence. With no government sector left and the entire national wealth in private hands, the people of Eastern Europe could soon become objects of envy among their West European counterparts.

Moreover, releasing factors of production from political control and handing them over to private individuals who are allowed to use them as they see fit as long as they do not physically damage the resources owned by others provides the ultimate stimulus for future production. With an unrestricted market for capital goods, rational cost-accounting becomes possible. With profits as well as losses individualized, and reflected in an owner's capital- and sales-account, every single producer's incentive to increase the quantity and/or quality of his output and to avoid any over or under-utilization of his capital is maximized. In particular, the constitutional provision that only the physical integrity of property (not property values) be protected guarantees that every owner will undertake the greatest value-productive efforts—efforts to promote favorable changes in property values and to prevent and counter any unfavorable ones (as might result from another person's actions regarding his property).

此外，生产要素从政治控制中解放出来并交到私人手中，只要他们不触犯他人的资源造成物理损害，就可以按自己认为合适的方式使用这些要素，这会给未来生产提供最根本的刺激。随着不受限制的资
The production of security—of police protection and of a judicial system—which is usually assumed to lie outside the province of free markets and be the proper function of government, would most likely be taken over by major Western insurance companies. Providing insurance for personal property, police-action—the prevention and detection of crime as well as the exaction of compensation—is in fact part of this industry's "natural" business (if it were not for governments preventing insurers from doing so and arrogating this task to itself, with all the usual and familiar inefficiencies resulting from such a monopolization). Likewise, being already in the business of arbitrating conflicts between claimants of competing insurers, insurance companies would naturally assume the function of a judicial system.
安保的生产——警察保护和司法系统——通常被认为不属于自由市场的范畴，而是政府的恰当功能，它最有可能由西方的大保险公司接管。如果不是政府阻止私人承保者为个人财产和警察行动——预防和侦查犯罪以及追偿——提供保险，并由自己霸占此项业务的话，事实上这些都这个行业的“自然”业务之一部分。而政府对这些业务的这种垄断导致了所有我们常见和熟悉的低效。同样地，由于已经在从事仲裁竞争性承保人的索偿者之间的冲突，保险公司会自然地承担起司法系统的职能。

Yet more important than the entrance of big business, such as insurance companies into the field of security production, would be the influx of large numbers of small entrepreneurs, in particular from Western Europe. Facing a heavy tax burden in the welfare states of Western Europe as well as being stifled there by countless regulations (licensing requirements, labor protection laws, mandated working and shopopening hours), an unregulated private property economy in Eastern Europe would be an almost irresistible attraction. Soon the large-scale influx of entrepreneurial talent and capital would begin to raise real wage rates, stimulate internal savings, and lead to a rapidly accelerating process of capital accumulation. Rather than leaving the East, migration would quickly take place in the opposite direction, with increasing numbers of Western Europeans abandoning welfare socialism for the unlimited opportunities offered in the East. Finally, faced with increasing losses of productive individuals, which would put even more pressure on their welfare budgets, the power elites of Western Europe would be forced to begin desocializing Western Europe as well.

然而，与大企业的进入（如保险公司进入安保生产领域）相比，更重要的是大量小企业家，特别是来自西欧的小企业家涌入。面对西欧福利国家的沉重税负和无以计数的管制（许可证要求、劳动保护法、法定工作时间与营业时间）的扼杀，东欧无管制的私有财产经济，会有难以抗拒的吸引力。很快，创业天才和资本的大规模涌入会开始提高真实工资率、刺激内生储蓄和导致资本积累进程急剧加速。移民运动会很快发生反向变化，人们不再离开东方，越来越多的西欧人会放弃福利社会主义，转而寻求东方提供的无限机会。最终，面对具备生产力的个体不断离开——这会给西欧的福利预算带来更大压力，西欧的权力精英也将被迫开始在西欧进行反社会化。

1 原注：关于竞争性私人安保的经济学，见古斯塔夫·得·莫利纳里（Gustave de Molinari）《安保的生产（The Production of Security）》（New York: Center for Libertarian Studies, 1977）; 罗斯巴德《权力与市场（Power and Market）》, 第1章; 同上《为了新自由（For A New Liberty）》, 第12章; 莫里斯（Morris）和琳达·坦尼希尔（Linda Tannehill）《自由的市场（The Market for Liberty）》（New York: Laissez Faire Books, 1984）; 汉斯-赫尔曼·霍普《防卫的私人生产（The Private Production of Defense）》(Auburn, Ala.: Ludwig von Mises Institute, 1998); 也见Benson《法律企业：没有国家的正义（The Enterprise of Law: Justice Without the State）》。

2 原注：几乎无需提及的是，自1989年以来东欧的实际反社会进程与这里提出的反社会进程有很大不同（另见上文注253）。这也不应该让人感到意外。
While it should be clear from the foregoing considerations why from a moral as well as an economic point of view the Western welfare states require as thorough a reform as the former socialist countries of Eastern Europe, it is important to note that the method of privatization must be different in both cases. The syndicalist privatization strategy proposed for formerly socialist countries applied, as will be recalled, only in such cases where no identifiable previously expropriated private owner or heir of socialized factors of production existed. If such an owner-heir could be identified, then he should be again installed as private owner. If and only if no such owner-heir existed could it be considered just to install the current and/or past users of

IV Postscript: On Privatization In Welfare States

IV 附录：论福利国家的私有化

尽管自 1989 年以来发生了巨大的骚动，即使以西方已经很高的标准来看，东欧政府所拥有的人员和资源在规模上仍然具有压倒性的优势。此外，在地方上，在省区以及联邦层面上，政府人员很大程度上仍然像 1989 年以前一样，是由同样一些人组成的。许多东欧后共产主义 (post-communist) 政治领导人在共产党统治下已经地位显赫，并爬上了高位。他们大多数人对古典自由主义和自由意志主义完全闻所未闻，但是他们也都全部熟悉福利国家主义理念。再者，如果对所有上述集体财产开出了自由主义者和自由意志主义的私有化处方并付诸实施，所有政府岗位都将立刻消失。反之，如果熟悉的西欧福利国家模式被接受为典范，如果由东欧官僚主管不可逆的反社会化趋势，并因此掌控和管制他们掌握的大量资源中“不重要”(nonvital)部分的私有化（低到但不低于西欧的水平），那么大部分官僚的工作不仅会是安全的，而且政府的财税和官僚的薪俸实际上还会增加。除此之外，因为西欧政府的兴趣是让东欧“有序”地从社会主义转向福利国家主义，实施这种改革的东欧官僚和领导人可以预计，与此相关的风险至少有一部分将由西欧同行承担或者提供资助。进一步说，在共产主义地区，东西方的协作严格受限。由于社会主义生产的低效，除了原材料和基本消费品以外，东欧没有能力向西方出售任何产品。而西欧与东欧集团的贸易额通常不超过外贸额的 5%。东欧的外资所有权基本都不受法律保护。没有哪种单一的东欧货币可以与西欧货币自由兑换，甚至是政治性合约都相对稀少。然而，随着共产主义的崩溃，东欧政府可以向西欧提供一些东西了。的确，西欧贸易水平依然很低，在整个东欧的革命性动荡造成的暂时虚弱中，西欧东西贸易水平甚至还会下降。但是，随着“社会”即意味着生产要素的集体所有制这种教条被放弃，东欧的某些国家财富突然就可供抢夺；随着东欧政府掌控私有化过程，西欧政治领导人一再和政府关系密切的银行家与大企业家一再会立即增加与其东欧同行的联系。在过渡时期，为了换取西方援助，东欧政府现在拥有真实可售资产。此外，东方可以向急切的西方买家保证，东欧新兴经济体的税收与管制从一开始就会与欧洲共同体的标准一致。最重要的是，东欧政府可以兜售这样的保证：东欧将按照西欧熟悉的路线建立新银行系统——包括政府控制的央行，私有商业银行组成的部分准备金银行卡特尔和以西方法定货币为准备金的可自由兑换法币，从而使许西方银行系统启动国际同步的信用扩张，并据此建立起对东欧新兴经济体的货币与金融霸权。

因此，在社会主义崩溃十年之后的今天，东欧国家大步迈向西欧福利国家主义（“社会民主主义”）。因为实行了部分私有化和取消了大多数（尽管并非全部）价格管控，东欧的经济表现相对此前混乱的情形肯定有所改善。这种改善反过来又以不断增加的经济一体化的形式给西方带来回报：广阔的市场、分工的拓展与强化以及互惠的国际贸易量的扩大。然而，由于私有化程度有限和渐进的改革策略，东欧的复苏进程缓慢而痛苦，造成了似乎永久性的大规模事业和急剧的通货膨胀危机。此外，因为东欧政府的平均规模依然比西欧半社会主义国家的政府规模大很多，东欧的经济进程及其给予西欧经济的刺激只会是暂时的，经济复苏和扩展可能会很快被西方和永远处于低水平的东方的停滞所取代。
socialized production factors as their private owners, because they and only they have then an objectifiable, i.e., intersubjectively ascertainable, tie to these resources. Only they, of all people, have \textit{de facto} homesteaded the factors of production in question. Thus, only their ownership claim can be said to have any "real" (objective) foundation.

By the same token, it would be \textit{without} any "real" foundation whatsoever—and thus utterly indefensible from a moral point of view—if private ownership in the "publicly" owned production factors of the mixed (welfare state) economies of the Western world were assigned to public sector employees, i.e., the so-called civil servants, along the line of the syndicalist slogan "the public schools to the teachers, the universities to the professors, the post offices to the postal workers, the public land to the bureaucrats of the Bureau of Land Management, the court houses and police stations to the judges and policemen, etc." Indeed, to do so would constitute nothing less than a moral outrage, even in the rather typical case where the "public" property in question is \textit{not} the result of a prior expropriation of some formerly private owner of this property by means of the government's power of "eminent domain" (in which case the property should be simply returned to the original owner-heir). Even in this case all "public" property is still the result of some form of expropriation, and although the proper identification of the victims of this expropriation is more difficult than in the clear-cut case of "eminent domain," it is by no means impossible. In any case, it is obvious that civil servants are typically not among the victims. Hence, they of all people have the least well-founded claim to private ownership of this property.

同样，如果将西方世界的混合经济体（福利国家）“公共”所有的生产要素之私人所有权，按照工团主义的口号——“公立学校归教师、公立大学归教授、邮局归邮递员、公共土地归土地管理机构的官僚、法庭和警局归法官和警察等等”，分配给公共部门的雇员，亦即所谓的公务员，那就\textbf{不存在}任何“真正的”基础，因此也完全无法从道德角度为之辩护。实际上，这么做只会带来道德灾难，即使在
Publicly owned buildings and structures were all financed by taxes, and as far as undeveloped public land is concerned, it is the result of a public, i.e., tax-funded and enforced, policy prohibiting the private appropriation and development of nature and natural resources. Hence, it would appear that it is taxpayers, in accordance with their amount of taxes paid, who should be given title to public buildings and structures, while undeveloped public land simply should be opened up to private homesteading. Keep in mind that civil servants are not taxpayers (even though, in public discourse, they frequently fancy themselves to be so). Rather, their net income is typically paid out of taxes paid by other individuals working in the private sector of the economy. Civil servants are tax-consumers (just as public "welfare-recipients" are tax-consumers rather than taxpayers)\(^\text{23}\); hence, civil servants as well as welfare-recipients should be excluded from private ownership in formerly public buildings and structures. Both civil servants and welfare-recipients live off other people's tax payments, and it would add insult to injury if they, instead of those who had paid their salaries and handouts as well as the public buildings and structures that they occupy and control, should be awarded ownership of these buildings and structures\(^\text{24}\). As regards undeveloped public land available for private homesteading activities, every public land manager, ranger, etc., should be excluded for a similar reason from homesteading land currently occupied and formerly guarded by him against potential private developers. He may be permitted to homestead other public land that is presently occupied and formerly guarded against private development by other government agents. But to allow him to homestead land he currently occupies would give him an advantage over other potential homesteaders that would be manifestly unfair in light of the fact that it was he, paid in this by taxpayers, who had previously kept these taxpayers off and away from this land.

\(^{3}\) 原注：另见第四章，特别是注 210。
们——而非那些给他们支付薪水、救济金以及为他们占据和控制的公共建筑买单的人——获得了公共建筑的所有权，那么，对纳税人来说，就是雪上加霜。4关于私人拓殖活动可以染指的未开发公地，一切公共土地管理者、护林员等等，都应出于类似原因，排除他们对于他们在当前占据和先前保卫（即禁止潜在的私人开发者染指）的公地之拓殖权和所有权。可以允许他们拓殖由其他政府部门当前占据和保卫（即禁止潜在的私人开发者染指）的其他公地。但是，允许他们拓殖他当前占据的土地，将会使他们比其他潜在拓殖者拥有更有利的地位，这显然是不公平的，因为事实上正是他们自己此前将那些供养他们的纳税人拒之于相关土地之外。

4 原注：可以肯定的是，这一私有化方案会出现许多复杂情况。为了确定目前由各地、各州和联邦政府“拥有”的建筑物中应授予不同个体的所有权份额，这些人不得不分别提供他们所缴纳的地方税、州税和联邦税的证明文件，且为了得出已付净纳税额的数额，必须扣除每一种情形下的所获福利数额。在充分私有化了的市场社会，寻找解决这一问题之详细方案的工作通常由私人会计师、律师和仲裁机构承担，并直接或间接地由原告个人提供资金，以备不时之需。
The classical argument in favor of free immigration runs as follows: Other things being equal, businesses go to low-wage areas, and labor moves to high-wage areas, thus affecting a tendency toward the equalization of wage rates (for the same kind of labor) as well as the optimal localization of capital. An influx of migrants into a given-sized high-wage area will lower nominal wage rates. However, it will not lower real wage rates if the population is below its optimum size. To the contrary, if this is the case, the produced output will increase over-proportionally, and real incomes will actually rise. Thus, restrictions on immigration will harm the protected domestic workers qua consumers more than they gain qua producers. Moreover, immigration restrictions will increase the "flight" of capital abroad (the export of capital which otherwise might have stayed), still causing an equalization of wage rates (although somewhat more slowly), but leading to a less than optimal allocation of capital, thereby harming world living standards all-around.1

支持自由移民的经典论证如下: 在其他条件相同的情况下，企业进入低薪地区，劳动力迁入高薪地区，会产生同一种劳动力的工资率均衡趋势与资本最优配置趋势（the optimal localization of capital）。移民流入给定规模的高工资率地区会降低名义工资率。然而，如果人口低于其最佳规模，就不会降低真实工资率。相反，如果在这种情况下，产出会成比例增加，真实收入实际上会上升。因此，限制移民对作为消费者的被保护的国内工人的伤害，会大于这些工人作为生产者之所得。此外，移民限制会增加海外资本的“外逃”（"flight"）（在其他情况下可能留守的资本会向外输出），这仍然会造成工资率的均衡化（尽管速度也许更慢），但会导致资本无法实现最优配置，从而损害全世界的生活水平。1
此外，传统的劳工联盟和现在的环保主义者都反对自由移民，这也应该初步认定为支持自由移民政策的另一种论证。²

II 反自由移民的基本理由

As it is stated, the above argument in favor of free immigration is irrefutable. It would be foolish to attack it, just as it would be foolish to deny that free trade leads to higher living standards than does protectionism。³

如上所述，上述赞成自由移民的论证是无可辩驳的。攻击它是愚蠢的，正如否定自由贸易会比保护主义带来更高的生活水平是愚蠢的一样。³

It would also be wrong to attack the above case for free immigration by pointing out that because of the existence of a welfare state, immigration has become to a significant extent the i


³ 原注：见下文第 8 章。
who do not increase but rather decrease average living standards even if the United States, for instance, is below her optimal population point. For this is not an argument against immigration but against the welfare state. To be sure, the welfare state should be destroyed in its entirety. However, the problems of immigration and welfare are analytically distinct problems and must be treated accordingly.

The problem with the above argument is that it suffers from two interrelated shortcomings which invalidate its unconditional pro-immigration conclusion and/or which render the argument applicable only to a highly unrealistic—long bygone—situation in human history.

The first shortcoming will only be touched upon. To libertarians of the Austrian School, it should be clear that what constitutes "wealth" and "well-being" is subjective. Material wealth is not the only thing that has value. Thus, even if real incomes rise due to immigration, it does not follow that immigration must be considered "good," for one might prefer lower living standards and a greater distance to other people over higher living standards and a smaller distance to others.

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第一个缺点只简单提一句。奥地利学派的自由意志主义者应该清楚，“财富”和“幸福”是主观的。物质财富并非唯一有价值的东西。因此，即使真实收入因移民而增加，也不意味着移民必须被认为是“好事（good）”。因为人们可能更偏好更低的生活水平，并与他人保持更远的距离，而不是偏好更高的生活水平，并与其他人更为接近。4

4 原注：关于这一点，请特别参阅米塞斯的《人的行动》，第241-244页；默里·N·罗斯巴德的《人、经济和国家（Man, Economy, and State）》第2卷。（uburn, Ala.: Ludwig von Mises Institute, 1993），第183-200页。
Instead, a second, related shortcoming will be the focus here. With regard to a given territory into which people immigrate, it is left unanalyzed who, if anyone, owns (controls) this territory. In fact, in order to render the above argument applicable, it is implicitly assumed that the territory in question is unowned, and that the immigrants enter virgin territory (open frontier). Obviously, today this can no longer be assumed. If this assumption is dropped, however, the problem of immigration takes on an entirely new meaning and requires fundamental rethinking.

相反，第二个相关缺点是此处的重点。对于一个人们要移入的给定区域，谁（如果有谁的话）拥有（控制）着这片领土这个问题还有待分析。事实上，为了使上述论证可以成立，它隐含地假定了相关领土是无主的，移民进入的是开放边界的处女地。很明显，如今不能再如此假定。然而，如果放弃这一假定，移民问题就具有全新的含义，需要从根本上重新思考。

### III 无政府资本主义社会的移民问题

For the purpose of illustration, let us first assume an anarcho-capitalist society. Though convinced that such a society is the only social order that can be defended as just, I do not want to explain here why this is the case. Instead, I will employ it as a conceptual benchmark, because this will help explain the fundamental misconception of most contemporary free immigration advocates.

为方便说明，我们首先假设一个无政府资本主义社会。尽管我深信这种社会是唯一公正的社会秩序，但我不想在此解释我的辩词。相反，我把它作为一个概念基准，因为这将有助于解释当今大部分自由移民拥护者的根本误解。

All land is privately owned, including all streets, rivers, airports, harbors, and so on. With respect to some pieces of land, the property title may be unrestricted; that is, the owner is permitted to do with his property whatever he pleases as long as he does not physically damage the property owned by others. With respect to other territories, the property title may be more or less severely restricted. As is currently the case in some
housing developments, the owner may be bound by contractual limitations on what he can do with his property (voluntary zoning), which might include residential versus commercial use, no buildings more than four stories high, no sale or rent to Jews, Germans, Catholics, homosexuals, Haitians, families with or without children, or smokers, for example.

Note that none of this, not even the most exclusive form of segregationism, has anything to do with a rejection of free trade and the adoption of protectionism. From the fact that one does not want to associate with or live in the neighborhood of Blacks, Turks, Catholics or Hindus, etc., it does not follow that one does not have a "freedom to move around", unless other property owners consent to such movement. There will be as much immigration or nonimmigration, inclusivity or exclusivity, desegregation or segregation, nondiscrimination or discrimination based on racial, ethnic, linguistic, religious, cultural or whatever other grounds as individual owners or associations of individual owners allow.

Clearly, under this scenario no such thing as freedom of immigration exists. Rather, many independent private property owners have the freedom to admit or exclude others from their own property in accordance with their own unrestricted or restricted property titles. Admission to some territories might be easy, while it might be nearly impossible to others. In any case, however, admission to the property of the admitting person does not imply a "freedom to move around," unless other property owners consent to such movement. There will be as much immigration or nonimmigration, inclusivity or exclusivity, desegregation or segregation, nondiscrimination or discrimination based on racial, ethnic, linguistic, religious, cultural or whatever other grounds as individual owners or associations of individual owners allow.

很明显，这种场景下不存在移民自由之类的东西。相反，许多独立的私有产权所有者可以根据自己受限或不受限的产权所有权，拥有允许或拒斥他人进入自己产权范围（property）的自由。获得某些领域的入场许可或许容易，进入其他领域也许几乎不可能。然而，无论如何，获准进入许可人的产权范围绝不意味着“自由走动（freedom to move around）”，除非其他产权人同意这种晃荡。在无政府资本主义社会，会有许多诸如移民或不准移民、包容或排他、歧视或不歧视，隔离或不隔离这类由个体产权人及其协会基于种族、民族、语言、文化或其他什么理由来批准的事项。

Note that none of this, not even the most exclusive form of segregationism, has anything to do with a rejection of free trade and the adoption of protectionism. From the fact that one does not want to associate with or live in the neighborhood of Blacks, Turks, Catholics or Hindus, etc., it does not follow that one does

6 此处指，即使有人获准进入某人的产权领地，他也没有在此领地周边的行动自由。
not want to trade with them from a distance. To the contrary, it is precisely the absolute voluntariness of human association and separation—the absence of any form of forced integration—that makes peaceful relationships—free trade—between culturally, racially, ethnically, or religiously distinct people possible.

请注意，以上这些事项，即使是排他的隔离主义（segregationism），也与拒绝自由贸易和实行保护主义毫无关系。从一个人不想与黑人、土耳其人、天主教徒和印度人等交往或为邻，并不能推出他不想与他们进行远距离贸易。相反，正是基于绝对自愿的人类交往或区隔——即不存在任何形式的强制一体化——使不同文化、种族、民族或宗教的人民之间的和平关系——即自由贸易——成为可能。

IV 政府的存在与强制一体化

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7 原注：路德维希·冯·米塞斯提醒我们，

“即使不同种族之间存在着自然的、与生俱来的仇恨，它也不会使他们合作失败……社会合作与个人的爱恨情仇无关，也与一般的友爱戒律无关。人们在劳动分工下进行合作并非是因为爱或者不爱他人。人们合作是因为这最符合他们自己的利益。并非爱、仁慈或其他同情的情感，而是正确理解的自利，最初迫使人们自我调整以适应社会之要求，迫使人们尊重同胞的权利与自由，以及迫使他们以和平联盟取代敌意和冲突。”（《人的行动》第168页）


但是，瑞士不是例外吗？它有着由日耳曼人、法兰西人、意大利人与罗曼什人组成的议会。简言之，答案是否定的。瑞士的所有基本权力，尤其是决定文化与教育（学校）的权力，集中在州（cantons）政府而非中央政府手中。而几乎全部26个州与“半自治州”【译按：half-cantons，字面意思是半州，瑞士的州独立性很高，半州是指部分权力归中央政府的州】在民族成分上几乎都是各自同质的。17个州几乎全讲德语；5个州几乎全讲法语；1个州是意大利人主导。只有3个州是双语州，瑞士的民族平衡基本稳定，只有有限的跨州移民。即使有这些有利环境，瑞士也还是经历了一次不成功的、被暴力镇压的分离运动——1847年分离主义联盟战争（the Sonderbundskrieg of 1847）。此外，在1979年新的，从德语主导的伯恩州分裂出来的、讲法语的汝拉州建立之前，曾发生过了多年的恐怖主义活动。
In an anarcho-capitalist society there is no government and, accordingly, no clear-cut distinction between "inlanders" (domestic citizens) and foreigners. This distinction only arises with the establishment of a government, i.e., an institution which possesses a territorial monopoly of aggression (taxation). The territory over which a government's taxing power extends becomes "inland," and everyone residing outside of this territory becomes a foreigner. State borders (and passports), are an "unnatural" (coercive) institution. Indeed, their existence (and that of a domestic government) implies a two-fold distortion with respect to peoples' natural inclination to associate with others. First, inlanders cannot exclude the government (the taxman) from their own property and are subject to what one might call "forced integration" by government agents. Second, in order to be able to intrude on its subjects' private property so as to tax them, a government must invariably have control of existing roads, and it will employ its tax revenue to produce even more roads to gain even better access to all private property qua potential tax source. This over-production of roads does not result merely in the innocent facilitation of interregional trade—a lowering of transaction costs—as starry-eyed economists would have us believe but leads to forced domestic integration (artificial desegregation of separate localities)."
Moreover, with the establishment of a government and state borders, immigration takes on an entirely new meaning. Immigration becomes immigration by foreigners across state borders, and the decision as to whether or not a person should be admitted no longer rests with private property owners or associations of such owners but with the government as the ultimate sovereign of all domestic residents and the ultimate super-owner of all their properties. Now, if the government excludes a person while even one domestic resident wants to admit this very person onto his property, the result is forced exclusion (a phenomenon that does not exist under private property anarchism). Furthermore, if the government admits a person while there is not a single domestic resident who wants to have this person on his property, the result is forced integration (also nonexistent under private property anarchism).

此外，随着政府与国家边界的确立，移民有了全新的含义。移民变成了外国人跨越国界的移居，某人是否准入某地的决定，不再取决于私有财产所有者或所有者协会，而是取决于作为所有国内居民的终极主权者和他们所有财产的终极和超级所有者的政府。现在，如果即使某国内居民希望允许某人进入自己私产范围，政府也将此人拒之门外，结果是强制排斥（一种在私产无政府主义下不存在的现象）。此外，如果没有哪个国内居民希望此人进入他的私产领地，政府却允许此人进入，结果是强制一体化（在私产无政府主义下也不存在）。

V 国王会怎么对待移民问题？

It is time to enrich the analysis through the introduction of a few "realistic" empirical assumptions. Let us assume that the government is privately owned. The ruler owns the entire country within state borders. He owns part of the territory outright (his property title is unrestricted), and he is partial owner of the rest (as landlord or residual claimant of all of his citizen-tenants real estate holdings, albeit restricted by some preexisting rental contracts). He can sell and bequeath his property, and he can calculate and capture the monetary value of his capital (his country).

现在是时候通过引入一些“现实的”经验假设来丰富我们的分析了。让我们假设政府是私有的。国界之内莫非王土。统治者完全拥有其部分领土（他的财产权是不受限的），并且是其余领土的部分所有
者（尽管受到此前某些租约的限制，他还是所有公民租用的不动产的土地所有者或剩余索取权人[residual claimant]）。他可以出售或馈赠其财产，也能计算和获取其资本（即国家）的货币价值。

Traditional monarchies—and kings—are the closest historical examples of this form of government.

国王通常会实行什么典型的人口迁入或迁出政策？因为他拥有整个国家的资本价值，假定他只是自利，他会倾向于选择那些能够维护或提升而非削减其王国价值的政策。

As far as emigration is concerned, a king would want to prevent the emigration of productive subjects, in particular of his best and most productive subjects, because losing them would lower the value of the kingdom. Thus, for example, from 1782 until 1824 a law prohibited the emigration of skilled workmen from Britain. On the other hand, a king would want to expel his nonproductive and destructive subjects (criminals, bums, beggars, gypsies, vagabonds, etc.), for their removal from his territory would increase the value of his realm. For this reason Britain expelled tens of thousands of common criminals to North America and Australia.

就人口迁出而言，国王希望阻止具有生产力的，尤其是他最好的最具有生产力的臣民迁出，因为失去他们会降低王国的价值。因此，举例来说，从 1782 年 1824 年，英国颁布法律禁止熟练工人移居外国。

10 剩余索取权 (Residual Claim) 是财产权中的一项重要权利，它是对剩余利润的要求权。一般而言，索取权的基础是所有权。当资本家使用自有资本进行生产和交换活动时，资本家既是资本所有者，又是资本使用者。在这里，资本所有权和使用权是统一的，利润归这个同一主体所有，不存在各主体对利润的分割问题。资本所有者拥有完全的剩余索取权。而如果经营权与所有权有所分离，则经营者获得期权或成为虚拟股东，也享有相应的剩余索取权。此处指政府私有者（例如国王）相当于政府资产的所有者，因而享有基于政府资产的剩余利润的要求权。

11 原注：见本书 1-3章。
另一方面，就人口迁入政策而言，国王会希望将暴民以及一切生产能力有缺陷的人拒之门外。后一类人只会被临时接纳为没有公民资格的季节性工人，他们会被禁止拥有永久财产权。例如，1880 年后，德国雇佣了大量波兰籍季节性工人。国王会只允许优秀的（superior）或至少高出平均水平的人——即这些人定居于其王国会增加其财产价值的人——永久迁入。例如，1865 年后（随着南特敕令的撤销）数万胡格诺教徒被允许定居普鲁士；同样，彼得大帝（Peter the Great）、腓特烈大帝（Frederick the Great）、玛丽亚·特雷莎（Maria Theresa）后来也推动了大量日耳曼人在俄罗斯、普鲁士和奥匈帝国东部地区移入和定居。

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① 原注：见 A. M. 桑德斯 (A. M. Carr-Saunders) 《世界人口：过去的增长和现在的趋势》 (Oxford: Clarendon Press, 1936)，第 182 页。

② 原注：同上，第 47 页。估计从 1717 年到 1776 年被运往北美的罪犯人数为 50000 人。

③ 原注：同上，第 57、145 页。

④ 南特敕令（法语：Édit de Nantes，英语 the Edict of Nantes），又称为南特诏令、南特诏书、南特诏谕。法国国王亨利四世大致在 1598 年 4 月 13 日签署颁布的一条敕令。这条敕令承认了法国国内胡格诺教徒的信仰自由，并在法律上享有和公民同等的权利。而这条敕令也是世界近代史上第一份有关宗教宽容的敕令。不过，亨利四世之孙路易十四却在 1685 年颁布《枫丹白露敕令》，宣布基督教为非法，南特敕令亦因此而被废除。

⑤ 原注：同上，第 56-57 页。德国人在东欧的定居实际上始于十一世纪，普遍受到各地区斯拉夫国王和王公的鼓励，他们希望借此促进本国的经济发展。见布莱米洛（Brimelow）《异族（Alien Nation）》，第 131 页。米塞斯的《民族、国家和经
In brief, while through his immigration policies a king might not entirely avoid all cases of forced exclusion or forced integration, such policies would by and large do the same as what private property owners would do, if they could decide whom to admit and whom to exclude. That is, the king would be highly selective and very much concerned about improving the quality of the resident human capital so as to drive property values up rather than down.

简言之，尽管通过人口迁入政策，国王也可能不能完全避免强制排除或强制一体化，这种政策大体上也与私产所有者想做的没有太多不同，如果后者也能决定对谁放行和排斥谁的话。也就是说，国王会严选迁入者，且非常关心改进居民人力资本的质量，以便促使财产价值上升而不是下降。

VI 民主政府会倾向于什么移民政策?

Migration policies become predictably different once the government is publicly owned. The ruler no longer owns the country's capital value but only has current use of it. He cannot sell or bequeath his position as ruler; he is merely a temporary caretaker. Moreover, "free entry" into the position of a caretaker government exists. In principle, anyone can become the ruler of the country.

由于数百年的殖民活动，在奥地利和匈牙利，城市中产阶级和城市知识阶层到处都是日耳曼人，大土地所有权大部分都归了日耳曼人，在任何地方，即便是中部讲外语的领土上，都有日耳曼农民定居点。全奥地利的地表都沾上了日耳曼的印迹：到处都能见到日耳曼式教育和日耳曼文学。在帝国每一个地方的小资产阶级、工人、农民中都有日耳曼人的代表，即使许多地区，尤其是加利西亚（原为奥匈帝国领土，第一次大战后属波兰，今属波兰与俄罗斯）、匈牙利多地、沿海地区，日耳曼人只占下层人口的极少一部分的情形下，也是如此。但是在这个帝国（上意大利除外），在受过良好教育的人和上流阶层人中间，日耳曼人的占比非常可观，那些本身不是日耳曼人并且不想承认自己属于日耳曼民族，且受过良好教育的和富有的资产阶级，也因为他们所受的教育成为了日耳曼人，他们说着德语，读着德文，至少外表看上去是日耳曼人……因此，奥地利毫无疑问不是德国。但是，政治上它有着一副日耳曼的面孔。每一个想在公共事务获取任何利益的奥地利人不得不掌握德语。然而，对于捷克人和斯洛文尼亚人来说，教育和社会的进步只有通过日耳曼化才能实现。他们仍然没有自己的文学，否则，他们本可不需要德国文学珍宝。正因为上流阶层成员都是日耳曼人，所以，无论是谁，只要地位上升，都会日耳曼化。日耳曼人看到了这一点，并且相信事情必定如此。他们并不想强制性地使所有非日耳曼人日耳曼化，但是他们认为这种事会自己发生。他们相信每一个捷克人，南斯拉夫人都甚至会出于自己的利益，而去尝试接纳德国文化。
一旦政府公有，移民政策就会产生可预见的不同了。统治者不拥有本国的资本价值，而只有当前使用权。他不能出售或馈赠他的统治者地位；他只是一个暂时的看管人。此外，还存在“自由进入”看管人政府的情况。原则上，任何人都可以成为国家的统治者。

As they came into existence on a worldwide scale after World War I, democracies offer historical examples of public government.

一战后，民主政体在世界范围内出现，提供了公共政府的历史范例。17

What are a democracy's migration policies? Once again assuming no more than self-interest (maximizing monetary and psychic income: money and power), democratic rulers tend to maximize current income, which they can appropriate privately, at the expense of capital values, which they can not appropriate privately. Hence, in accordance with democracy's inherent egalitarianism of one-man-one-vote, they tend to pursue a distinctly egalitarian—nondiscriminatory—emigration and immigration policy.

民主制度下的移民政策是什么？再次假定民主制的统治者只是自利（最大化货币与心理收益：货币与权力），那么他们会倾向于以牺牲他们不能私自占用的资本价值为代价，最大化他们可以私自占用的当前收入。因此，根据内在于民主制度的一人一票平等主义，他们会倾向于奉行明显的平等化的——无歧视的——人口迁出或迁入政策。

As far as emigration policy is concerned, this implies that for a democratic ruler it makes little, if any, difference whether productive or unproductive people, geniuses or bums leave the country. They all have one equal vote. In fact, democratic rulers might well be more concerned about the loss of a bum than that of a productive genius. While the loss of the latter would obviously lower the capital value of the country and loss of the former might actually increase it, a democratic ruler does not own the country. In the short run, which is of the most interest to a democratic ruler, the bum, voting most likely in favor of egalitarian measures, might be more valuable than the productive genius who, as egalitarianism's prime victim, will more likely vote against the democratic ruler.15 For the same reason, quite unlike a king a democratic ruler undertakes little to actively expel those people whose presence within the country constitutes a negative externality.

注17：见本书1-3章。
As far as immigration policies are concerned, the incentives and disincentives are likewise distorted, and the results are equally perverse. For a democratic ruler, it also matters little whether bums or geniuses, below or above-average civilized and productive people immigrate into the country. Nor is he much concerned about the distinction between temporary workers (owners of work permits) and permanent, property owning immigrants (naturalized citizens). In fact, bums and unproductive people may well be preferred as residents and citizens, because they create more so-called "social" problems, and democratic rulers thrive on the existence of such problems. Moreover, bums and inferior people will likely support his egalitarian policies, whereas geniuses and superior people will not. The result of this policy of nondiscrimination is forced integration: the forcing of masses of inferior immigrants onto domestic property owners who, if the decision were left to them, would have sharply discriminated and chosen very different neighbors for themselves. Thus, as the best available example of democracy at work, the United States immigration laws of 1965 eliminated all previous "quality" concerns and the explicit preference for European immigrants, replacing them with a policy of almost complete nondiscrimination (multiculturalism).

就人口外迁政策而言，这意味着，对于民主统治者来说，无论是具有生产力还是不具有生产力的人、不论是天才还是懒鬼离开这个国家，都没有任何区别。事实上，民主统治者可能更担心失去一个懒鬼而非具有生产力的天才。尽管损失后者会明显降低国家的资本价值，而损失前者实际上可能增加国家的资本价值，但民主统治者并不拥有国家。在民主统治者最感兴趣的短期内，最有可能支持平等主义举措的懒鬼可能比具有生产力的天才更有价值，后者作为平等主义的主要受害者，更可能投票反对民主统治者。出于同样的理由，非常不同于国王的是，民主统治者很少采取行动驱逐那些在国内构成负外部性的人（导致个体财产价值下降的人渣）。事实上，这些具有负外部性的人——无生产力的寄生虫、懒鬼和罪犯——可能成为民主统治者最可靠的支持者。

就人口外迁政策而言，结果也同样是反常的。对民主统治者来说，是懒鬼还是天才，是低于还是高于平均文明度与生产力的人迁入国家，也不是很重要。他也不太关心临
时性劳工（工作许可获得者）与永久性的财产所有者的人口迁入（归化公民）之间的区别。事实上，民主统治者可能更偏爱让懒鬼与无生产力者成为居民和公民，因为后者制造了更多的所谓“社会”问题，民主统治者会因为这些问题的存在而飞黄腾达。此外，懒鬼与烂人（inferior people）可能会支持平等主义的政策，而天才和牛人（superior people）则不会。这种反歧视政策的结果就是强制一体化：将大批劣等移民强加给国内产权人，后者如果拥有决定权，可能会严厉地歧视这些劣等移民并选择完全不同的人做邻居。例如，1965 年《美国移民法》是我们能找到的民主制运作下最好样本，它废除了
之前一切“质素”考虑和对欧洲移民的明显偏好，取而代之的是几乎彻底的反歧视政策（多元文化主义）。

Indeed, the immigration policy of a democracy is the mirror image of its policy toward internal population movements: toward the voluntary association and dissociation, segregation and desegregation, and the physical distancing and approximating of various private property owners. Like a king, a democratic ruler promotes spatial over-integration by over-producing the “public good” of roads. However, for a democratic...


为了正确看待这个问题，布莱米洛 (Brimelow) 在文献谈到，从 1820 年到 1967 年新移民法生效前，差不多九成外来移民都是欧洲裔。相反，从 1967 年到 1993 年，1700 万抵达美国的合法移民中，约 85%来自第三世界，大部分来自拉丁美洲和亚洲（第 27-28 页）。而 1967 年之前以技术和工种为选择标准的情形相反，当前主要的选择标准是“家庭重聚”“庇护”和“多样性抽签”（第 78-84 页）。结果就是，与美国本土居民相比，移民的平均教育水平与平均工资率持续下降。此外，移民家庭的福利参与率远远超过美国本土人口，并且还在不断增加。本来美国本土人口中，黑人与波多黎各人就已经有极高的福利参与率。举个例子，柬埔寨与老挝难民的福利参与率几乎是 50%；越南移民超过了 25%；多米尼加共和国 28%；古巴 16%；前苏联 10%；华人 10%。并且，移民继续领取救济金的时段越来越长（第 141-153 页，第 287-288 页）。最后但很重要的是，布莱米洛 (Brimelow) 估计，如果当前合法与非法移民的势头持续下去，传统上构成近九成美国人口的欧洲裔人口数，到 2050 年会达到成为少数族群的临界点（第 63 页）。但是，所有外来移民都会被同化和成为美国人吗？不可能。因为为了成功地同化潮涌而来的外来移民，东道主的人口需要比移民更多。然而，当前每年涌入的约 100 万合法移民（和 20-30 万非法移民）只集中在少数地区：加利福尼亚、德克萨斯、伊利诺伊、佛罗里达、纽约和新泽西，并且大部分移民实际上只移民六个大都会地区：洛杉矶、阿纳海姆、芝加哥、迈阿密、纽约和华盛顿（第 36 页）。在这些地区，移民比率之大，使得任何同化都基本上不可能。然后，与新近的人被美国化不同，在这些地区，外来移民已经成为美国的土地上形成外来的第三世界“国家”。

乔治·J·博尔哈斯 (George J. Borjas) 进一步指出

“几乎四分之一的移民家庭接受了某种形式的援助，而本地家庭的这一比例为 15%……更严重的是，移民对公共援助的使用随着时间的推移而增加。似乎同化不仅包括得到劳动力市场的机会，还包括得到福利国家提供的机会……美国国家科学院的一项研究得出结论，移民事实上使加州典型的本地家庭每年的税收增加了 1200 美元……[特别是难民]，证据表明……在美国生活 10 年后，16%的越南难民、24%的柬埔寨难民和 34%的老挝难民仍在接受公共援助。”（“天堂之门: 移民政策与美国经济 (Heaven’s Door: Immigration Policy and the American Economy)” ，《米尔肯研究所评论》第 1 卷，第 3 期 [1999]: 第 64-65 页，第 79 页）

此外，博尔哈斯强调，“种族问题在经济生活中很重要，而且在很长一段时间内都很重要”（第 66 页）。也就是说，土著人口和移民人口之间（越来越大的）技能差异不会因为文化同化而迅速消失。相反，移民通常迁往“种族性的聚居区”，这“加剧了种族差异”，因此“种族技能差异可能会持续三代人”（第 66 页）。
ruler, unlike a king, it will not be sufficient that everyone can move next door to anyone else on government roads. Concerned about his current income and power rather than capital values and constrained by egalitarian sentiments, a democratic ruler will tend to go even further. Through nondiscrimination laws—one cannot discriminate against Germans, Jews, Blacks, Catholics, Hindus, homosexuals, etc.—the government will want to increase the physical access and entrance to everyone's property to everyone else. Thus, it is hardly surprising that the so-called "civil rights" legislation in the United States, which outlawed domestic discrimination on the basis of color, race, national origin, religion, gender, age, sexual orientation, disability, etc., and which thereby actually mandated forced integration, coincided with the adoption of a nondiscriminatory immigration policy; i.e., mandated international desegregation (forced integration).

事实上，民主国家的移民政策是其国内人口流动政策的镜像：指向自愿结社与不结社，隔离与不隔离，不同的私产所有者物理距离上的远离与接近。如国王一样，民主统治者通过过度生产道路这种“公共资货”来促进公民空间的过度一体化。然而，与国王不同，对于民主统治者来说，仅仅让每个人通过政府建造的道路迁到他人隔壁是不够的。因为关切当前收入与权力而非资本价值，且因为受限于平等主义情感，民主统治者会倾向于更进一步。通过反歧视法律——人们不得歧视德国人、犹太人、黑人、天主教徒、印度人、同性恋者等等——政府会想增加每个人对他人产权范围的物理性准入与通行。美国所谓的“公民权利”立法，禁止基于肤色、种族、民族血统、宗教、性别、年龄、性取向、残障等等的国内歧视，因而实际上执行了强制一体化。因此，这种立法与采取无歧视移民政策，亦即执行国际性反种族隔离（强制一体化）不谋而合，也就不足为奇了。

### VII 合理的移民政策应该是什么？

The current situation in the United States and in Western Europe has nothing whatsoever to do with "free" immigration. It is forced integration, plain and simple, and forced integration is the predictable outcome of democratic one-man-one-vote rule. Abolishing forced integration requires the de-democratization of society and ultimately the abolition of democracy. More specifically, the power to admit or exclude should be

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stripped from the hands of the central government \[19\] and reassigned to the states, provinces, cities, towns, villages, residential districts, and ultimately to private property owners and their voluntary associations. The means to achieve this goal are decentralization and secession (both inherently undemocratic, and antimajoritarian) \[20\]. One would be well on the way toward a restoration of the freedom of association and exclusion as is implied in the idea and institution of private property, and much of the social strife currently caused by forced integration would disappear, if only towns and villages could and would do what they did as a matter of course until well into the nineteenth century in Europe and the United States: to post signs regarding entrance requirements to the town, and once in town for entering specific pieces of property (no beggars, bums, or homeless, but also no Moslems, Hindus, Jews, Catholics, etc.); to expel as trespassers those who do not fulfill these requirements; and to solve the "naturalization" question somewhat along the Swiss model, where local assemblies, not the central government, determine who can and who cannot become a Swiss citizen.

What should one advocate as the relatively correct immigration policy, however, as long as the democratic central state is still in place and successfully arrogates the power to determine a uniform national immigration policy? The best one may hope for, even if it goes against the "nature" of democracy and thus is not very likely to happen, is that the democratic rulers act as if they were the personal owners of the country and as if they had to decide who to include and who to exclude from their own

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22. 此处指移民给欧美带来的问题，不是私产伦理意义上的“自由移民”造成的，而是“强制一体化”的结果。

23. 原注：在美国最高法院于1875年作出裁决之前，对美国移民的管理被认为是州事务，而非联邦事务。

24. 原注：详见第5章。
personal property (into their very own houses). This means following a policy of the strictest
discrimination in favor of the human qualities of skill, character, and cultural compatibility.

然而，如果民主化的中央集权国家仍然存在，并且成功地攫取了全国统一的移民政策决定权，人们应该提倡何种相对正确的移民政策呢？人们可能最希望的是，民主统治者能够**忧如**国家的私人所有者，**忧如**他们不得不决定将谁纳入或拒入其私有财产（他们自己的房子！）那般行事，即便它违反了民主的“本质”，并因此看上去不是很可能实现。这意味着会推出最严厉的歧视政策，它**有利于提升人的技能、品格与文化兼容性的质量。**

More specifically, it means distinguishing strictly between "citizens" (naturalized immigrants) and "resident aliens" and excluding the latter from all welfare entitlements. It means requiring, for resident alien status as well as for citizenship, the personal sponsorship by a resident citizen and his assumption of liability for all property damage caused by the immigrant. It implies requiring an existing employment contract with a resident citizen; moreover, for both categories but especially that of citizenship, it implies that all immigrants must demonstrate through tests not only English language proficiency, but all-around superior (above-average) intellectual performance and character structure as well as a compatible system of values—with the predictable result of a systematic pro-European immigration bias.21

更确切地说，它意味着严格区分“公民”（归化移民）和“常住外侨”，并将后者拒斥于一切福利待遇之外。它意味着，对于移民的常住外侨身份和公民资格，要求本地公民提供个人担保，并要求担保者对移民造成的一切财产破坏承担责任。它意味着要求移民要有与本地公民的既有雇佣合同；此外，对于这两种类型，尤其是公民资格，它意味着外来移民不仅必须表明他们通过了证明其英语水平的测试，而且必须表明他们具备全面优秀的（超出平均水平的）智力表现和品格，以及必须表明，他们的价值观体系与系统性的亲欧洲移民基准之可预见结果相一致。25

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25 原注：当前，大约一半以上出生于国外的美国公民，在美国五年以后，仍然实际上不会说英语。在最庞大的移民群体——拉美裔移民中，超过三分之二的人实际上不会说英语。见布莱米洛（Brimelow）著《异族（Alien Nation）》，第 88-89 页；他们的智力水品远远低于美国平均水平（同上，第 56 页）；越来越多的证据显示，移民人口的犯罪率系统性地超过了在本国出生人口的犯罪率（第 182-86 页）。
It is frequently maintained that "free trade" is connected with "free immigration" as is "protectionism" with "restricted immigration." That is, the claim is made that while it is not impossible that someone might combine protectionism with free immigration or free trade with restricted immigration, these positions are intellectually inconsistent and thus erroneous. Hence, insofar as people seek to avoid errors, they should be the exception rather than the rule. The facts, insofar as they have a bearing on the issue, appear to be consistent with this claim. As the last Republican presidential primaries indicated, for instance, most professed free traders are advocates of relatively free and nondiscriminatory immigration policies, while most protectionists are proponents of highly restrictive and selective immigration policies.

Appearances to the contrary notwithstanding, I will argue that this thesis and its implicit claim are fundamentally wrong. In particular, I will demonstrate that free trade and restricted immigration are not only perfectly consistent but even mutually reinforcing policies. That is, it is not the advocates of free trade and restricted immigration who are wrong, but rather the proponents of free trade and free immigration. In taking the "intellectual guilt" out of the free-trade-and-restricted-immigration position and putting it where it actually belongs, I hope to promote a change in current public opinion and facilitate substantial political realignments.
尽管有着相反的表象，但我会论证，这一论点及其隐含的主张根本上就是错误的。尤其是，我会证明，自由贸易与限制移民不仅是逻辑上完全一致的，甚至还是相辅相成的政策。也就是说，错的不是自由贸易与限制移民的倡导者，而是保护主义与自由移民的支持者。我希望通过将“智识性罪恶感（intellectual guilt）”从“自由贸易—限制移民”的立场中剔除出来，将其置于所应属之处，来促成当前公共舆论的变革，并推动实质性政治调整。

II 为自由贸易辩护

Since the days of Ricardo, the case for free trade has been logically unassailable. For the sake of argumentative thoroughness it would be useful to summarize it briefly. The restatement will be in the form of a reductio ad absurdum of the protectionist thesis as proposed most recently by Patrick Buchanan.  

自李嘉图时代以来，自由贸易的理据在逻辑上无懈可击。为了透彻地论辩，简要地总结一下是有益的。帕特里克·布坎南（Patrick Buchanan）最近提出了他的保护主义观点，以下重述将以对该观点进行归纳谬论证的形式进行。2

1 此段原文是：That is, it is not the advocates of free trade and restricted immigration who are wrong, but rather the proponents of free trade and free immigration. 

根据上下文，第二个分句中的“free trade（自由贸易）”应该是“protectionism（保护主义）”。此处应为笔误。

The central argument advanced in favor of protectionism is one of domestic job protection. How can American producers paying their workers $10 per hour possibly compete with Mexican producers paying $1 or less per hour? They cannot, and American jobs will be lost unless import tariffs are imposed to insulate American wages from Mexican competition. Free trade is only possible between countries that have equal wage rates and thus compete "on a level playing field." As long as this is not the case, as with the U.S. and Mexico, the playing field must be made level by means of tariffs. As for the consequences of such a policy of domestic job protection, Buchanan and his fellow protectionists claim that it will lead to domestic strength and prosperity, and in support of this claim, examples are cited of free-trade countries that lost their once preeminent international economic position, such as nineteenth-century England, and of protectionist countries which gained such preeminence, such as nineteenth-century America.

This or any other alleged "empirical proof" of the protectionist thesis must be rejected out of hand as containing a post hoc, ergo propter hoc fallacy. The inference drawn from historical data is no more convincing than if one were to conclude from the observation that rich people consume more than poor people that it must be consumption that makes a person rich. Indeed, protectionists such as Buchanan characteristically fail to understand what is actually involved in defending their thesis. Any argument in favor of international protectionism rather than free trade is simultaneously an argument in favor of interregional and interlocal protectionism. Just as different wage rates exist between the United States and Mexico, Haiti, or China, for instance, such differences also exist between New York and Alabama, or between Manhattan, the Bronx and Harlem. Thus, if it were true that international protectionism could make an entire nation prosperous and strong, it must also be true that interregional and interlocal protectionism could make regions
and localities prosperous and strong. In fact, one may even go one step further. If the protectionist argument were right, it would amount to an indictment of all trade and a defense of the thesis that everyone would be the most prosperous and strongest if he never traded with anyone else and remained in self-sufficient isolation. Certainly, in this case no one would ever lose his job, and unemployment due to "unfair" competition would be reduced to zero. In thus deducing the ultimate implication of the protectionist argument, its complete absurdity is revealed, for such a "full-employment society" would not be prosperous and strong; it would be composed of people who, despite working from dawn to dusk, would be condemned to poverty and destitution or death from starvation.

International protectionism, while obviously less destructive than a policy of interpersonal or interregional protectionism, would have precisely the same effect and be a recipe for America's further economic decline. To be sure, some American jobs and industries would be saved, but such "savings" would come at a price.

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3 原注: 穆瑞·N·罗斯巴德, 《权力与市场 (Power and Market)》 (Kansas City: Sheed Andrews and McMeel, 1977), 第48页对保护主义论题进行了 归谬 论证: 假设琼斯有一个农场, “琼斯的田地 (Jones's Acres)”, 史密斯为他工作。琼斯沉浸在支持关税的想法中, 他劝史密斯 “从琼斯那里买东西”。把钱留在 “琼斯的田地” 里, “不要要从琼斯田地” 以外的外国人廉价劳动力生产的大量产品剥削”, 类似的箴言成为两人的口号。为了保证目标实现, 琼斯对从 “国外” (即农场以外进口) 的所有商品和服务征收100%的关税。结果, 琼斯和史密斯看到, 他们的闲暇或 “失业问题” 消失了, 因为他们日夜辛劳以勉力维持他们想要的所有商品的生产。许多东西他们根本维持不了, 另一些则需要数百年努力才能生产。诚然, 他们兑现了保护主义者的承诺: “自给自足”, 但是这种 “自足” 只是勉强维持生计, 而非舒适的生活。货币 “留在了家里”, 他们可以彼此支付非常高名义工资和价格, 但是人们会发现, 从财富角度看, 实实工资率在直线骤降。
The standard of living and the real income of the American consumers of foreign products would be forcibly reduced. The cost to all United States producers who use the protected industry's products as their own input factors would be raised, and they would be rendered less competitive internationally. Moreover, what could foreigners do with the money they earned from their U.S. imports? They could either buy American goods, or they could leave it in the U.S. and invest it, and if their imports were stopped or reduced, they would buy fewer American goods or invest smaller amounts. Hence, as a result of saving a few inefficient American jobs, a far greater number of efficient American jobs would be destroyed or never come into existence.

International protectionism, despite the protectionist’s argument that higher wages are due to the scarcity of cheap labor, is more likely to be caused by the higher productivity of American labor relative to Taiwan or Japan. In a sense, productivity is a factor determining wages rate. But the wages rate is not only influenced by the quality of labor or scarcity of cheap labor. The productivity of American labor is at least twice the productivity of Taiwan labor, and this is why wages in the United States are twice as high as in Taiwan... The rise of发病率的美国工资率是台湾的两倍并非由台湾的廉价劳动力所决定，而是由美国劳动力的生产力的翻倍所决定。因此，提高工资率与实现劳动生产力提高或许是合意的。然而，保护主义能够挽救美国的某些就业岗位，但是工资率并不是只取决于个人素质，也取决于相对稀缺性，在美国，工人相对于资本的稀缺性远高于台湾……换言之，美国工资率是台湾的两倍，并没有使美国的劳动力成本两倍于台湾。既然美国劳动力的生产力是台湾的两倍——这意味着翻倍的工资率被翻倍的生产率所抵消——那么，每单位产品的劳动力成本，在美国和台湾，平均来说，会趋于一致。保守主义的主要谬误之一，是混淆了劳动力价格（工资率）与劳动力成本，后者也取决于相对生产率……因此，美国雇主所面临的问题，并非台湾的“廉价劳力”，而是美国雇主对稀缺劳动力竞价的结果。低效的美国纺织与汽车企业所面临的工资率是日本劳动力太廉价，而是其他美国产业高效率使然。因为非市场性的“廉价劳力”——通过实行保护性关税和对美国低效的纺织与汽车企业进行配额保护（save），救济（bail out），维持（keep in place），保护主义者不仅伤害了美国消费者，也伤害了高效的美国企业与产业，因此，为了拯救少量低效美国就业，会摧毁更大数量的高效就业岗位，或者使这些就业岗位根本就无法存在。4

Thus, it is nonsense to claim that England lost its former preeminence because of its free trade policies. It lost its position despite its free trade policy, and because of the socialist policies which took hold in England during the last third of the nineteenth century. Likewise, it is nonsense to claim that the rise of the United

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4 原注：可进一步参阅穆瑞・N・罗斯巴德《保护主义危险的胡说八道（The Dangerous Nonsense of Protectionism）》（Auburn, Ala.: Ludwig von Mises Institute, 1988）。罗斯巴德指出，“公平”贸易的支持者通常没有回答的是，首先，为什么美国的工资率会高于墨西哥或台湾。如果美国的工资是台湾的两倍，那是因为，美国劳动者背后的资本更雄厚，他们装备了更多更好的工具，因此，他们的生产力平均来说是台湾的两倍。我想，在某种意义上，美国工人比台湾人赚得多并不“公平”，因为非台湾的个人素质高于台湾人，而是因为美国的储蓄者和投资者给他们提供了更多的工具。但是工资率并不只取决于个人素质，也取决于相对稀缺性，在美国，工人相对于资本的稀缺性远高于台湾……换言之，美国工资率是台湾的两倍，并没有使美国的劳动力成本两倍于台湾。既然美国劳动力的生产力是台湾的两倍——这意味着翻倍的工资率被翻倍的生产率所抵消——那么，每单位产品的劳动力成本，在美国和台湾，平均来说，会趋于一致。保守主义的主要谬误之一，是混淆了劳动力价格（工资率）与劳动力成本，后者也取决于相对生产率……因此，美国雇主所面临的问题，并非台湾的“廉价劳力”，而是美国雇主对稀缺劳动力竞价的结果。低效的美国纺织与汽车企业所面临的工资率不是台湾或日本劳动力太廉价，而是其他美国产业高效率使然。因为非市场性的“廉价劳力”——通过实行保护性关税和对美国低效的纺织与汽车企业进行配额保护（save），救济（bail out），维持（keep in place），保护主义者不仅伤害了美国消费者，也伤害了高效的美国企业与产业，他们被排斥在就业资源之外，这些资源现在被销死在没有竞争力的企业中，否则他们能够在国内外扩大高效生产，并售出产品。（第6-7页）

另见亨利・黑兹利特《一课经济学（Economics in One Lesson）》（New Rochelle, N.Y.: Arlington House, 1979），第11章。
States to economic preeminence in the course of the nineteenth century was due to its protectionist policies. The United States attained this position despite its protectionism, and because of its unrivaled internal laissez-faire policies. Indeed, America's current economic decline, which Buchanan would want to halt and reverse, is not the result of her alleged free trade policies, but of the circumstance that America, in the course of the twentieth century, gradually adopted the same socialist policies that had ruined England earlier. 5

因此，声称英国因自由贸易政策失去了昔日优势是无稽之谈。尽管有自由贸易政策，但英国是因为在十九世纪后三十多年实行了社会主义的政策，才丧失了自己的地位。声称美国十九世纪经济优势之飙升是由于保护主义政策，同样是无稽之谈。尽管有保护主义，但美国因为其无与伦比的内部自由放任政策，才有了今天的地位。事实上，美国当前的经济衰落——布坎南希望阻止和逆转这一趋势——并非其所谓的自由贸易政策之结果，而是在于二十世纪中，美国逐步实行了此前摧毁了英国的同样的社会主义政策。6

III 经济自由程度与移民趋势呈负相关关系

Given the case for free trade, we will now develop the case for immigration restrictions to be combined with free trade policies. More specifically, we will build a successively stronger case for immigration restrictions: from the initial weak claim that free trade and immigration restrictions can be combined and do not exclude each other to the final strong claim that the principle underlying free trade actually requires such restrictions.

5 原注：见 威廉·H·格林利夫 (William H. Greenleaf) 《英国政治传统 (The British Political Tradition)》, 第3卷, (London: Methuen, 1983-87)，特别是第3卷第1编：《集体主义的兴起 (The Rise of Collectivism)》；还有阿尔伯特·V·戴雪 (Albert V. Dicey) 《19世纪法律与公众舆论关系讲座 (Lectures on the Relation Between Law and Public Opinion During the Nineteenth Century)》（London: Macmillan, 1914）。

From the outset, it must be emphasized that not even the most restrictive immigration policy or the most exclusive form of segregationism has anything to do with a rejection of free trade and the adoption of protectionism. From the fact that one does not want to associate with or live in a neighborhood of Germans, Haitians, Chinese, Koreans, Mexicans, Moslems, Hindus, Catholics, etc., it does not follow that one does not want to trade with them from a distance. Moreover, even if it were the case that one's real income would rise as a result of immigration, it does not follow that immigration must be considered "good," for material wealth is not the only thing that matters. Rather, what constitutes "welfare" and "wealth" is subjective, and one might prefer lower material living standards and a greater distance from certain other people over higher material living standards and a smaller distance. It is precisely the absolute voluntariness of human association and separation—the absence of any form of forced integration—which makes peaceful relationships—free trade—between racially, ethnically, linguistically, religiously, or culturally distinct people possible.

The relationship between trade and migration is one of elastic substitutibility (rather than rigid exclusivity): the more (less) you have of one, the less (more) you need of the other. Other things being equal, businesses move to low-wage areas, and labor moves to high-wage areas, thus effecting a tendency toward the equalization of wage rates (for the same kind of labor) as well as the optimal localization of capital. With political borders separating high from low-wage areas, and with national (nation-wide) trade and immigration policies in effect, these normal tendencies—of immigration and capital export—are weakened with free trade and strengthened with protectionism. As long as Mexican products—the products of a low-wage area—can
freely enter a high-wage area such as the United States, the incentive for Mexican people to move to the United States is reduced. In contrast, if Mexican products are prevented from entering the American market, the attraction for Mexican workers to move to the United States is increased. Similarly, when United States producers are free to buy from and sell to Mexican producers and consumers, capital exports from the United States to Mexico will be reduced; however, when United States producers are prevented from doing so, the attraction of moving production from the United States to Mexico is increased.  

贸易与移民是弹性替代（而非刚性排斥）的关系：得其一愈多（愈少），所需之其二愈少（愈多）。在其他条件相同的情况下，企业朝低薪地区迁移，劳动力朝高薪地区迁移，因此，带来（同类劳动力的）工资率均衡化趋势与资本最优配置。随着政治边界将不同工资地区区隔开来，并事实上实行国家性的（国家范围的）贸易与移民政策，移民与资本输出的正常趋势，会随着自由贸易而弱化，随着保护主义而强化。只要墨西哥的产品——低薪地区产品——能够自由进入像美国这样的高薪地区，墨西哥人民迁往美国的动机会削弱。相反，如果墨西哥产品被挡在美国市场之外，美国对墨西哥工人的吸引力就会增强。同样地，当美国生产者能够与墨西哥生产者与消费者自由买卖，从美国到墨西哥的资本输出会减少；然而，当有人阻止美国生产者这么做，墨西哥对美国生产力的吸引力就会增加。  

Similarly, as the foreign trade policy of the United States affects immigration, so does its domestic trade policy. Domestic free trade is what is typically referred to as laissez-faire capitalism. In other words, the national government follows a policy of noninterference with the voluntary transactions between domestic parties (citizens) regarding their private property. The government's policy is one of helping to protect its citizens and their private property from domestic aggression, damage, or fraud (exactly as in the case of foreign trade and aggression). If the United States followed strict domestic free trade policies, immigration from low-wage regions such as Mexico would be reduced, while when it pursues "social welfare" policies, immigration from low-wage areas is more attractive.  

同样，美国的国内贸易政策像其外贸政策一样影响着移民状况。国内自由贸易通常是指自由放任的资本主义。换言之，对国内当事方（公民）就其私有财产进行的自愿交易，政府奉行不干涉主义。政府政策正如处理外贸与外来侵略时一样，是一种有助于保护公民及其私有财产免受国内侵略、破坏与欺

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7 原注：进一步参见路德维希·冯·米塞斯 (Ludwig von Mises)《民族、国家和经济 (Nation, State, and Economy)》(New York: New York University Press, 1983)，尤其是第 56 页及后；罗斯巴德《权力与市场 (Power and Market)》，第 52 页及后。
To the extent that a high-wage area such as the United States engages in unrestricted free trade, internationally as well as domestically, the immigration pressure from low-wage countries will be kept low or reduced, and hence, the question as to what to do about immigration will be less urgent. On the other hand, insofar as the United States engages in protectionist policies against the products of low-wage areas products and in welfare policies at home, immigration pressure will be kept high or even raised, and the immigration question will assume great importance in public debate.

In light of steadily mounting immigration pressure from the world's low-wage regions, three general strategies of dealing with immigration have been proposed: unconditional free immigration, conditional free immigration, and restrictive immigration. While our main concern will be with the latter two alternatives, a few observations regarding the unconditional free immigration position are appropriate, if only to illustrate the extent of its intellectual bankruptcy and irresponsibility.

Obviously, the world's major high-wage regions—North America and Western Europe—are presently in this latter situation, in which immigration has become an increasingly urgent public concern. In light of steadily mounting immigration pressure from the world's low-wage regions, three general strategies of dealing with immigration have been proposed: unconditional free immigration, conditional free immigration, and restrictive immigration. While our main concern will be with the latter two alternatives, a few observations regarding the unconditional free immigration position are appropriate, if only to illustrate the extent of its intellectual bankruptcy and irresponsibility.

显而易见，在高薪地区——北美和西欧——目前处于后一种情况，在这些地区，移民已经成为公众日益迫切关注的问题。鉴于来自全世界低薪地区的输入性移民压力日益增长，人们提出了三种处理移民问题的方案。
处理移民问题的总体策略：无限制自由移民、有条件自由移民和限制性移民。我们主要关心后两种选项，但即使仅仅是为了表明其智识破产程度和不负责任程度，陈述一些关于无条件自由移民策略的看法也是适当的。

According to proponents of unconditional free immigration, the United States *qua* high-wage area would invariably benefit from free immigration; hence, it should enact a policy of open borders, regardless of present conditions, i.e., even if the United States were entangled in protectionism and domestic welfare.[8] Surely, such a proposal must strike a reasonable person as fantastic. Assume that the United States, or better still Switzerland, declared that there would no longer be any border controls, that anyone who could pay the fare might enter the country, and, as a resident, would then be entitled to every "normal" domestic welfare provision. Is there any doubt about the disastrous outcome of such an experiment in the present world? The United States, and even faster Switzerland, already weakened by protectionism and welfare, would be overrun by millions of third-world immigrants.[9] Welfare costs would quickly skyrocket, and the strangled economy would disintegrate and collapse, as the subsistence fund—the stock of capital accumulated in and inherited from the past (fathers and forefathers)—was plundered. Civilization would vanish from the United States and Switzerland, just as it once did from Greece and Rome.[10]

对无条件自由移民的支持者来说，作为高薪地区，美国会始终受益于自由移民；因此，无论当前情况如何，也就是说，即使深陷保护主义和国内福利的泥潭，美国也应该执行开放边界的政策。当然，这样的建议必然会让理性的人觉得不可思议。假设美国，或者最好是瑞士，宣布不再进行任何边界控制；任何有能力支付车费的人都能进入这个国家；作为居民，任何人都有权（be entitled）享受每一项“正常的”国内福利条款。在当今世界进行这种实验的灾难性后果，还用怀疑吗？如果这么做，已经被保护主义和福利削弱的美国，会被亿万第三世界移民淹没，而瑞士甚至会更快被淹没。由于生存基金会——过去(父辈和先祖)积累和继承的资本存量——被掠夺，福利成本会迅速飙升，步履蹒跚的经济会解体和崩溃。文明将从美国和瑞士消失，就像它曾经在希腊和罗马消失一样。\(^9\)

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9 原注：两个有用的数字可能表明潜在问题的严重性。首先，根据上世纪 90 年代初在前苏联进行的调查，超过 30%的人口，即接近 1 亿人，表达了移民的愿望。第二，在 20 世纪 90 年代，美国每年举办一次“多样性”彩票，向来自“美国移民率低的国家”的人提供签证。1997 年的彩票吸引了大约 340 万申请者申请 5 万个可行签证。

9 原注：沃尔特·布洛克（Walter Block）提出了一个真正不同寻常的观点，《自由移民的自由意志主义理由（A Libertarian Case for Free Immigration）》，载于《自由意志主义研究期刊（Journal of Libertarian Studies）》第 13 卷第 2 期 (1998 年)。布洛克并不否认上述“开放边界政策”的预期后果。相反，他写道：“假设东道国最低工资、工会、福利以及宽纵犯罪的法律（a law code soft on criminals）仍然存在，无限制的移民已经成为一种惯例（made the order of the day）。然而，它可能很好地被保留下来，东道国将承受更多的犯罪，福利主义和失业。开放的政策不意味着经济自由，而意味着与全世界那些钱多到足以抵达我们海岸的人渣强制一体化。”（第 179 页）尽管如此，布洛克继续主张开放政策（open-door policy），不管这些可预见的后果如何。他声称这样的立场是自由意志主义政治哲学原则所要求的。鉴于布洛克作为当代自由意志主义理论家的权威地位无可否认，有必要解释一下他的论点在什么地方误入了歧途（goes astray），以及为什么自由意志主义不需要门户开放政策。布洛克亲移民的立场基于一个类比。他说，“以图书馆的流浪汉为例，如果有什么事的话，该怎么办？如果这是私人图书馆——法律应该允许图书馆所有者在必要时自行决定驱逐这样的人——但如果是公共图书馆呢？——因此，[图书馆]类似于无主货。任何一个居住者都有和其他人一样的权利。如果我们处于革命战争状态，那么第一个拓荒者可能会掌握控制权。但如果没有，而是像现在这样，那么，出于‘正义战争’的考虑，任何对公共财产的合理干涉都是合法的——人们可以以其满身泥垢的体味把图书馆搞得‘臭烘烘’，或者在图书馆里乱扔垃圾，或者‘解放’一些书籍，但不能在馆舍里埋设地雷炸死无辜的图书馆用户。”（第 180-181 页）
Since unconditional free immigration must be regarded as a prescription for societal suicide, the typical position among free traders is the alternative of conditional free immigration. According to this view, the United States and Switzerland would have to first return to unrestricted free trade and abolish all tax-funded welfare programs, and only then could they open their borders to everyone who wanted to come. In the meantime, while the welfare state is still in place, immigration would be permitted subject to the condition that immigrants are excluded from domestic welfare entitlements.

While the error involved in this view is less obvious and the consequences less dramatic than those associated with the unconditional free immigration position, the view is nonetheless erroneous and harmful. To be sure, the immigration pressure on the United States and Switzerland would be reduced if this proposal were followed, but it would not disappear. Indeed, with foreign and domestic free trade policies, wage rates within the United States and Switzerland might further increase relative to those at other locations (with less enlightened economic policies). Hence, the attraction of both countries might even increase. In any case, some immigration pressure would remain, so some form of immigration policy would have to exist. Do the principles underlying free trade imply that this policy must be one of conditional "free immigration?" No, they do not. There is no analogy between free trade and free immigration, and restricted trade and restricted immigration. The phenomena of trade and immigration are different in one fundamental respect, and the meaning of "free" and "restricted" in conjunction with both terms is categorically different. People can move and migrate; goods and services of themselves cannot.

根据这一论证，每个人——外国移民与国内流浪汉一样——对国内公共财产拥有同等权利，其根本错误在于，布洛克主张公共财产“类似于无主物品”。事实上，无主财货和公共财产之间存在着根本区别。后者事实上由国内公众的纳税人所拥有，他们才是这一财产的出资者；因此，根据成员个体的纳税额，他们必须被认为是公共财产的合法所有者。因此，无论是被假定为没有纳税的流浪汉，还是绝大多数严格来说没有缴纳任何国内税负的任何外国人，都不能被认定为对任何公共财产拥有任何权利。详见上文第六章，尤其是附录。
The free trade and free market proponent who adopts the conditional free immigration position is involved in intellectual inconsistency. Free trade and markets mean that private property owners may receive or send goods from and to other owners without government interference. The government stays inactive vis-à-vis the process of foreign and domestic trade, because a paying recipient exists for every good or service sent; hence, every locational change, as the outcome of an agreement between sender and receiver, must be
deemed mutually beneficial. The government's sole function is that of maintaining the very trading-process by protecting citizen and domestic property. However, with respect to the movement of people, the same government will have to do more to fulfill its protective function than merely permit events to take their own course because people, unlike products, possess a will and can migrate. Accordingly, population movements, unlike product shipments, are not per se mutually beneficial events, because they are not always—necessarily and invariably—the result of an agreement between a specific receiver and sender. There can be shipments (immigrants) without willing domestic recipients. In this case, immigrants are foreign invaders and immigration represents an act of invasion. Surely, a government's basic protective function would include the prevention of foreign invasions and the expulsion of foreign invaders. Just as surely then, in order to do so and subject immigrants to the same requirement as imports (of having to be invited by domestic residents), a government cannot rightfully allow the kind of free immigration advocated by most free traders. Just imagine again that the United States and Switzerland threw their borders open to whoever wanted to come, provided only that immigrants be excluded from all welfare entitlements (which would be reserved for United States and Swiss citizens respectively). Apart from the sociological problem of thereby creating two distinct classes of domestic residents and thus causing severe social tensions, there is little doubt about the outcome of this experiment in the present world.  

The result would be less drastic and less immediate than under the scenario of unconditional free immigration, but it would also amount to a massive foreign invasion and ultimately lead to the destruction of American and Swiss civilization. Even if no welfare handouts were available to immigrants, this does not mean that they would actually have to work, since even life on and off the public streets and parks in the United States and Switzerland is comfortable as compared to "real" life in many other areas of the world. Thus, in order to fulfill its primary function as the protector of its citizens and their domestic property, a high-wage area government cannot follow an immigration policy of laissez-passer, but must engage in restrictive measures.

采取有条件自由移民立场的自由贸易与自由市场的支持者，智识上存在前后不一。自由贸易与市场意味着私有财产所有者无须政府干预，就可以与其他所有者互相收受财货。政府面对国内外贸易过程保持不作为，因为所发出的每一项商品与服务都存在收款者；因此，作为收受双方协议之结果，商品与服务的每一次位移变化必然都是互惠的。政府的全部功能是通过保护公民和国内财产来维持每一次交易进程。然而，在人民的迁徙方面，同样的政府将不得不做更多事来履行其保护功能，而不只是任由人们自行其事，因为人不像产品，他拥有意志，能够迁徙。因此，人口流动不同于产品运转，它本身并非互惠事件，因为人口流动并非始终必然是特定收受者之间协议的结果。人口流动（移民）会存在国内没有人愿意接受的情况。在这种情况下，移民是外来入侵者，移民意味着侵略。毫无疑问，政府的基本保护职能包括阻止外国侵略和驱逐外国入侵者。那么，同样显然的是，为了达到这个目的，并迫使移民服从类似进口的要求（必须被国内居民邀请），政府就无法正当地容许大多数自由贸易者所主张的那种自由移民。再想象一下这个场景——只要移民被排斥在所有福利待遇之外（这些待遇将

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分别保留给美国和瑞士居民），美国和瑞士就向任何想来的人开放边界。除了会造成功内居民分成两个不同阶层，并因此导致严重社会紧张的社会学问题之外，在当今世界进行这种实验的后果也是确凿无疑的。

结果将不如无条件自由移民的情况下那么激烈，也不会那么直接，但它也会带来大规模的外来入侵，并最终导致美国和瑞士文明的毁灭。即使移民不得享受福利，也不意味着他们实际上必须工作，因为它是在美国和瑞士的公共街道和公园内外生活，与世界上许多其他地区的“真实”生活相比，也是舒适的。因此，为了履行其作为公民和国内财产保护者的职能，高薪区政府也不能实自由通行的移民政策，而必须采取限制措施。

V 自由意志主义的移民原则

From the recognition that proponents of free trade and markets cannot advocate free immigration without being inconsistent and contradicting themselves，and that therefore immigration must logically be restricted，it is but a small step to the further recognition of how it must be restricted。In fact，all high-wage area governments presently restrict immigration in one way or another。Nowhere is immigration "free，" unconditionally or conditionally。However，the restrictions imposed on immigration by the United States and by Switzerland，for instance，are quite different。Which restrictions should exist？More precisely，which immigration restrictions is a free trader and free marketeer logically compelled to uphold and promote？

认识自由贸易和市场的支持者无法逻辑一致和不自相矛盾地支持自由移民，因此移民在逻辑上必须受到限制，这是进一步理解移民何以必须受限的一小步。事实上，所有高薪区政府当前总是以这样或那样的方式限制移民。没有哪个地方存在无条件或有条件地“自由”移民。然而，美国与瑞士对移民进行的限制完全不同。什么的限制应该存在？更确切地说，自由贸易者和自由市场者在逻辑上必须坚持和推广何种移民限制？

12 原注：请注意，即使移民被排除在所有由税收资助的福利待遇以及民主“投票权”之外，他们仍将继续受到“保护”，并被目前所有现有的反歧视平等行动法所涵盖，这将防止国内居民“任意”将他们排除就业、住房和任何形式的“公共”住宿之外。

13 原注：关于“自由”移民这一主题的杰出文学著作，见让·拉斯派尔（Jean Raspail）《圣徒营（The Camp of the Saints）》（New York：Charles Scribner’s Sons，1975）。
The guiding principle of a high-wage area country's immigration policy follows from the insight that to be free in the same sense as trade is free, immigration must be *invited*. The details follow from the further elucidation and exemplification of the concepts of invitation versus invasion and forced integration.

高薪地区国家移民政策的指导原则，来自这样一种见解——移民要像贸易自由一样自由，就必须收到邀请。移民政策的细节则来自邀约与入侵，以及强制一体化等概念的进一步阐释与范例。

To this end, it is necessary to presuppose, as a conceptual benchmark, the existence of what political philosophers have described as a private property anarchy, anarcho-capitalism, or ordered anarchy. All land is privately owned, including all streets, rivers, airports, and harbors. With respect to some pieces of land, the property title may be unrestricted; that is, the owner is permitted to do whatever he pleases with his property as long as he does not physically damage the property of others. With respect to other territories, the property title may be more or less restricted. As is currently the case in some housing developments, the owner may be bound by contractual limitations on what he can do with his property (restrictive covenants, voluntary zoning), which might include residential rather than commercial use, no buildings more than four stories high, no sale or rent to unmarried couples, smokers, or Germans, for instance.

为此，有必要预设，作为概念基准，存在政治哲学家所描述的私有财产无政府、无政府资本主义或有序无政府状态。所有土地都是私人拥有的，包括所有街道、河流、机场和港口。就某些领地而言，财产权可能无限制的；这就是说，只要没有物理伤害他人财产，允许所有者随心所欲地处理他的财产。就其他领土而言，财产权可能或多或少受限。如当前某些住房开发项目的情形一样，所有者所能进行的财产处置可能受限于合约限制（限制性分期付款契约、自愿分区），例如，这些限制可能包括限于居住而不得商用，建筑不能超过四层楼高，不能租/售给未婚情侣、烟民或德国人等。

Clearly, in this kind of society there is no such thing as freedom of immigration or an immigrant's right-of-way. Rather, there exists the freedom of many independent private property owners to admit or exclude others from their own property in accordance with their own restricted or unrestricted property titles. Admission to some territories might be easy, while to others it might be nearly impossible. Moreover, admission to the property of one party does not imply the "freedom to move around," unless other property owners have agreed to such movements. There will be as much immigration or nonimmigration, nondiscrimination or discrimination as individual owners or associations of individual owners desire.

The reason for citing the model of an anarcho-capitalist society is that no such thing as forced integration (uninvited migration) is possible (permitted) within its framework. Under this scenario no difference between the physical movement of goods and the migration of people exists. Just as every product movement reflects an underlying agreement between sender and receiver, so are all movements of immigrants into and within an anarcho-capitalist society the result of an agreement between the immigrant and one or a series of receiving domestic property owners. Hence, even if the anarcho-capitalist model is ultimately rejected—and if for "realism's" sake the existence of a government and of "public" (in addition to private) goods and property is assumed—it brings into clear focus what a government's immigration policy would have to be if and insofar as this government derived its legitimacy from the sovereignty of the "people" and was viewed as the outgrowth of an agreement or "social contract" (as is presumably described by Consent: Decomposing the Nation-State) 15.

显然，在这种社会中，没有所谓移民自由或移民通行权之类的东西。相反，存在许多独立的私有财产所有者根据他们受限或不受限的财产权，允许或拒绝他人进自己财产的自由。获准进入某些领地可能很容易，而对其他领地来说也许几乎不可能。此外，允许进入财产之某一部分并不意味着 “自由走动”，除非其他财产持有者已经同意这种活动。这种情况下，移民或拒绝移民，包容或排他，隔离或不隔离，歧视或不歧视会如个体所有者或个体所有者联合体所希望的一样多。15

注： “如果一个国家的每一块土地都归某个人、团体或公司所有，” 穆瑞·N·罗斯巴德解释道：“这意味着，除非被邀请进入并允许出租或购买房产，否则任何移民都不能进入那里。一个完全私有化的国家将按照特定居民和财产所有者的意愿关闭。很明显，事实上存在于美国的开放边界制度实际上相当于中央政府（central state）强制开放，国家负责所有街道和公共土地区域，并没有真正反映财产所有人的意愿……(《民主：失败的上帝·君主制、民主制与自然秩序的政治经济学》第 11 卷，第 1 期[1994]:7)
In order to clarify what this implies, it is necessary to explain how an anarcho-capitalist society is altered by the introduction of a government, and how this affects the immigration problem. Since there is no government in an anarcho-capitalist society, there is no clear-cut distinction between inlanders (domestic citizens) and foreigners. This distinction appears only with the establishment of a government. The territory over which a government's power extends then becomes inland, and everyone residing outside of this territory becomes a foreigner. State borders (and passports), as distinct from private property borders (and titles to property), come into existence, and immigration takes on a new meaning. Immigration becomes immigration by foreigners across state borders, and the decision as to whether or not a person should be admitted no longer rests exclusively with private property owners or associations of such owners but ultimately with the government qua domestic security-producer monopolist. Now if the government excludes a person while a domestic resident exists who wants to admit this very person onto his property, the result is forced exclusion; and if the government admits a person while no domestic resident exists who wants to have this person on his property, the result is forced integration.

In the case with all modern—post-monarchical—governments, of course. Surely, such a "popular" government, which assumed as its primary task the protection of its citizens and their property (the production of domestic security), would want to preserve rather than abolish this no-forced-integration feature of anarcho-capitalism.

为了厘清这意味着什么，有必要解释无政府资本主义社会在引入政府后是如何被改变的，以及这种改变是如何影响移民问题的。既然无政府资本主义社会不存在政府，那么本地人（国内公民）与外国人之间就不存在界限分明的区别。只是在政府建立以后，这种区分才出现。政府权力所延及之领土成为了本土，居于该领土之外的每个人都成了外国人。国家边界（和护照）——有别于私有财产边界（和财产所有权）——开始存在，移民有了新的含义。移民成为单指外国人跨越国界移入某国，决定一个
人是否应该被允许进入，不再完全取决于私有财产所有者或所有者协会，而是最终取决于作为国内安保生产垄断者的政府。现在，如果政府排斥一个人而有一个国内居民希望准许这个人进入自己的产权范围，结果就是强制排斥；如果政府允许一个人入境，而没有国内居民希望此人进入自己产权范围，结果就是强制一体化。

Moreover, hand-in-hand with the institution of a government comes the institution of public property and goods; that is, of property and goods owned collectively by all domestic residents and controlled and administered by the government. The larger or smaller the amount of public government ownership, the greater or smaller will be the potential problem of forced integration. Consider a socialist society like the former Soviet Union or East Germany, for example. All factors of production (capital goods), including all land and natural resources, are publicly owned. Accordingly, if the government admits an uninvited immigrant, it admits him to any place within the country; for without private land ownership there are no limitations on his internal migrations other than those decreed by government. Under socialism, therefore, forced integration can be spread everywhere and thereby immensely intensified. (In fact, in the Soviet Union and East Germany, for instance, the government could quarter a stranger in someone else's private house or apartment. This measure and the resulting high-powered forced integration was justified on grounds of the "fact" that all private houses rested on public land.

此外，政府机构与公共财产和公共品制度——亦即财产与商品归全体国内居民集体所有但受政府控制和管理的制度——相伴而生。政府公有所有权数量愈多，强制一体化的潜在问题愈严重，反之则愈轻。例如，想想前苏联或东德那样的社会主义社会。所有生产要素（资本品），包括所有土地和自然资源都归公共所有。因此，如果政府容许某未受邀约移民进入，就是在容许此人出入本国任何地区；因为没有私人土地所有权，就不存在超出政府同意之外的任何国内迁徙限制。因此，在社会主义社会，强制一体化可以遍及任何地方，从而大大增强。（事实上，例如，在前苏联和东德，政府可以让陌生人入私有房屋或公有中食宿。这一措施及由此产生的强力强制一体化的合理性理由正是所有私人房屋都建立在公共土地上这一“事实”。）

Socialist countries are not high-wage areas, of course. Or if they are, they will not remain so for long. Their problem is not immigration but emigration pressure. The Soviet Union and East Germany prohibited emigration and killed people for trying to leave the country. However, the problem of the

* 原注：同样，在社会主义制度下，各种形式的国内移民都受政府控制。参见萧克多·扎斯拉夫斯基（Victor Zaslavsky）和尤里·鲁里（Yuri Lury）《苏联的护照制度和苏联的变化（The Passport System in the USSR and Changes in the Soviet Union）》，载于《苏联（Soviet Union）》第 8 卷第 2 期（1979）。
extension and intensification of forced integration persists outside of socialism. To be sure, in nonsocialist countries such as the United States, Switzerland, and the Federal Republic of Germany, which are favorite immigration destinations, a government-admitted immigrant could not move just anywhere. His freedom of movement would be severely restricted by the extent of private property and private land ownership in particular. Yet by proceeding on public roads or with public means of transportation and by staying on public land and in public parks and buildings, an immigrant can cross every domestic resident's path, and move into virtually any neighborhood. The smaller the quantity of public property, the less likely this will occur, but as long as any public property exists it cannot be entirely avoided.

当然，社会主义国家不是高薪区域。或者，如果是，他们的高薪也不可能持续多久。他们的问题不是输入性移民压力，而是移民外流压力。苏联和东欧禁止向外移民，杀害试图离开国家的人民。然而，强制一体化的扩大和加剧问题存在于社会主义之外的地方。诚然，在美国、瑞士、德意志联邦共和国（西德）这样的非社会主义国家——它们是受欢迎的移民目的地，被政府容许入境的移民不能随意走动。他的活动自由被严格限制在特定的私有财产与私人土地范围之内。然而，通过行走于公共道路，或通过公共交通手段，或逗留于公共土地、公园和公共建筑中，移民可以跨入每一个国内居民的西方，几乎可以搬进任何社区。公共财产数量越小，像这种情况就越少发生，但只要存在任何公共财产，这种情况就不可能完全避免。

VI 迫约与契约性移民

A popular government that wants to safeguard its citizens and their domestic property from forced integration and foreign invaders has two methods of doing so: a corrective and a preventive one. The corrective method is designed to ameliorate the effects of forced integration once the event has taken place and the invaders are there. As indicated, to achieve this goal the government must reduce the quantity of public property and expand that of private property as much as possible, and whatever the ratio of private to public property may

be, the government should help rather than hinder the enforcement of a private property owner's right to admit \( and \) exclude others from his property. If virtually all property is owned privately and the government assists in enforcing private ownership rights, the uninvited immigrants, even if they successfully crossed the border and entered the country, would not likely get much further.

一个想要保护公民及其国内财产免受强制一体化与外国涌入者的人民政府，有两种方法可以实现目的：纠错和预防。纠错的方法旨在减轻强制一体化已经发生和入侵者已经存在时的后果。如前所述，要实现此一目标，政府必须尽可能减少公共财产的数量，扩大私有财产的数量，无论私有财产与公共财产之比率如何，政府都应该帮助而非妨碍私有财产所有者运用其权利接纳和排斥他人出入其财产。如果几乎所有财产都是私人所有，而政府又协助私有权利的运行，不请自来的移民，即使成功穿越国界进入该国，他也不可能在该国行之久远。

The more completely this corrective measure is carried out (the higher the degree of private ownership), the smaller will be the need for protective measures, such as border defense. The cost of protection against foreign invaders along the United States-Mexico border, for instance, is comparatively high because for long stretches no private property exists on the U.S. side. However, even if the cost of border protection were lowered by means of privatization, it would not disappear as long as there are substantial income and wage differentials between high and low-wage territories. Hence, in order to fulfill its basic protective function, a high-wage area government must also engage in preventive measures. At all ports of entry and along its borders, the government, as trustee of its citizens, must check all newly arriving persons for an entrance ticket; that is, a valid invitation by a domestic property owner; and anyone not in possession of such a ticket must be expelled at his own expense.

这种纠错措施执行得越彻底（私有权程度越高），对诸如边防之类的保护措施之需求就越小。例如，美墨边界防范外国涌入者的成本相对较高，是因为长期以来，美方这边不存在私有财产。然而，即使通过私有化手段降低了边防成本，只要高薪与低薪地区存在巨大的工薪收入差，这种成本也不会消失。因此，为了履行基本的保护职能，高薪地区政府也必须实行保护措施。在所有入境港和边境沿线，政府作为公民的受托人，必须检查所有新抵达者是否有入场券；也就是说，是否有国内财产所有者的有效邀约；任何没有这种入场券的人必须被驱逐出境，且费用由他自己承担。

Valid invitations are contracts between one or more private domestic recipients, residential or commercial, and the arriving person. \( Qua \) contractual admission, the inviting party can only dispose of his own private property. Hence, similar to the scenario of conditional free immigration the admission implies that the immigrant will be excluded from all publicly funded welfare. On the other hand, it implies that the receiving...
party must assume legal responsibility for the actions of his invitee for the duration of his stay. The invitor is held liable to the full extent of his property for any crimes by the invitee committed against the person or property of any third party (as parents are held accountable for crimes committed by their offspring as long as these are members of the parental household). This obligation, which implies that invitators will have to carry liability insurance for all of their guests, ends once the invitee has left the country, or once another domestic property owner has assumed liability for the person in question by admitting him onto his property.

The invitation may be private (personal) or commercial, temporary or permanent, concerning only housing (accommodation, residency) or housing and employment, but there cannot be a valid contract involving only employment and no housing. In any case, however, as a contractual relationship, every invitation may be revoked or terminated by the host; and upon termination, the invitee—whether tourist, visiting businessman, or resident alien—will be required to leave the country (unless another resident citizen enters into an invitation-contract with him).

邀约可以是私人的（个人的）或商业的，临时的或永久的，只与居住（短住、定居）有关或同时与居住和就业有关，但只涉及就业而不涉及居住的邀约不可能是有效合约。然而，无论如何，作为合约关系，每项邀约都可以由东道主撤销或终止；终止时，被邀请人——无论是游客、到访商人或外国居民都会被要求离开这个国家（除非另一位定居公民与其签订邀约合同）。

注：在目前法律环境中，国内财产所有者基本上被禁止采取任何形式的歧视性行动，外来客工（guestworkers）的存在不可避免地导致普遍的强制。一旦准入，基于现存的雇佣合同，这些工人就能够利用法庭获得居住、上学或其他任何形式的“公共”设施或住处。因此，为了解决这一问题，雇主不仅被要求为客工提供就业，还要提供住处和其他诸如购物、医疗、培训或娱乐设施，亦即整个自足的厂镇（factory town）生活福利设施。关于备受诟病的厂镇制度的讨论，参见詹姆斯·B·艾伦（James B. Allen）《美国西部的公司城镇（The Company Town in the American West）》（Norman: Oklahoma University Press，——原文缺出版年份）

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The invitee, who is at all times subject to the potential risk of immediate expulsion, may lose his legal status as a nonresident or resident alien only upon acquiring citizenship. In accordance with the objective of making all immigration (like trade) invited-contractual, the fundamental requirement for citizenship is the acquisition of property ownership, or more precisely the ownership of real estate and residential property. In contrast, it would be inconsistent with the very idea of invited migration to award citizenship according to the territorial principle, as in the U.S., whereby a child born to a nonresident or resident alien in a host country automatically acquires U.S. citizenship. In fact, as most other high-wage area governments recognize, such a child should acquire the citizenship of his parents. Granting this child citizenship involves the nonfulfillment of a host country government's basic protective function and actually amounts to an invasive act perpetrated by the government against its own citizenry. Becoming a citizen means acquiring the right to stay in a country permanently, and a permanent invitation cannot be secured by any means other than purchasing residential property from a citizen resident. Only by selling real estate to a foreigner does a citizen indicate that he agrees to a guest's permanent stay, and only if the immigrant has purchased and paid for real estate and residential housing in the host country will he assume a permanent interest in his new country's well-being and prosperity. Moreover, finding a citizen who is willing to sell residential property and who is prepared and able to pay for it, although a necessary requirement for the acquisition of citizenship, may not also be sufficient. If and insofar as the domestic property in question is subject to restrictive covenants, the hurdles to be taken by a prospective citizen may be significantly higher.

In Switzerland, for instance, citizenship may require that the sale of residential property to foreigners be ratified by a majority of or even all of the directly affected local property owners.

随时面临被立即驱逐风险的受邀人，只有在获得公民资格后，才可能丧失其作为非居民或外国侨民的法律身份。根据让所有移民（像贸易一样）都拥有邀约合同的目标，公民资格的基本要求是获得财产所有权，或更确切地说，获得不动产和住宅财产的所有权。相反，受邀移民根据领土原则获得公民资格——像在美国，非居民或侨居东道国者所生子女自动获得美国公民资格——的观念是逻辑不一致的。事实上，正如大多数其他高薪地区政府所承认的那样，这样的孩子，应该从其父母那里获得公民资格。给予这类孩子公民权，关涉到东道国政府没有履行基本保护职能，实际上相当于政府对本国公民的侵犯行为。成为公民意味着获得永久居留该国的权利，而除了从永居公民手中购得住宅产权之外，没有其他手段可以获得永久邀约。只有通过向外国人出售不动产，公民才表明他同意客人永久居留，而且移民只有在东道国付款购买不动产和住宅，才能假定他对其新国家的福祉和繁荣产生永久的兴趣。此外，尽管发现有公民愿意出售住宅财产，且有人准备有能力付款，是获得公民身份的必要条件，但这可能还不够。如果而且只要相关国内财产受限于限制性契约，这个未来公民所要面对的障碍还
Judged by the immigration policy entailed by the objective of protecting one's own citizens from foreign invasion and forced integration and of rendering all international population movements invited and contractual migrations, the Swiss government does a significantly better job than the United States. It is relatively more difficult to enter Switzerland as an uninvited person, and it is more difficult to stay on as an uninvited alien. In particular it is far more difficult for a foreigner to acquire citizenship, and the legal distinction between resident citizens and resident aliens is more clearly preserved. These differences notwithstanding, the governments of both Switzerland and the U.S. are pursuing immigration policies that must be deemed far too permissive.

Moreover, the excessive permissiveness of their immigration policies and the resulting exposure of the Swiss and American population to forced integration by foreigners is further aggravated by the fact that the extent of public property in both countries (and other high-wage areas) is substantial; that tax-funded welfare provisions are high and growing and foreigners are not excluded; and that contrary to official pronouncements even the adherence to free trade policies is anything but perfect. Accordingly, in Switzerland, the U.S. and most other high-wage areas, popular protests against immigration policies have grown increasingly louder. It has been the purpose of this chapter not only to make the case for the
privatization of public property, domestic laissez-faire, and international free trade, but in particular for the adoption of a restrictive immigration policy. By demonstrating that free trade is inconsistent with both unconditionally or conditionally free immigration and requires instead that migration be subject to the condition of being invited and contractual, it is our hope to contribute to more enlightened future policies in this area.

此外，移民政策的过于放纵及由此导致的瑞士与美国人口面临外国人的强制一体化的情形，由于下列事实而进一步加剧：（1）瑞士和美国（以及其他高薪地区）拥有规模巨大的公共财产；（2）税金资助的高福利（且不断增加）以及不拒绝接纳外国人；（3）与官方声明相反，即使坚持自由贸易政策也绝非完美。因此，在瑞士、美国和大多数其他高薪地区，人们抗议移民政策的声音越来越大。本章的目标不只是为公共财产的私有化、国内自由放任、国际自由贸易提供理由，还特别要为采取限制性移民政策提供理由。通过证明自由贸易与无条件和有条件自由移民都逻辑不一致，并代之以要求移民必须满足被邀约和合约化的条件，我们希望为该领域未来更具见识的政策作出贡献。
Ludwig von Mises has explained the evolution of society—of human cooperation under the division of labor—as the combined result of two factors. These are first, the fact of differences among men (labor) and/or the inequalities of the geographical distribution of the nature-given factors of production (land); and second, the recognition of the fact that work performed under the division of labor is more productive than work performed in self-sufficient isolation. He writes:

If and as far as labor under the division of labor is more productive than isolated labor, and if and as far as man is able to realize this fact, human action itself tends toward cooperation and association; man becomes a social being not in sacrificing his own concerns for the sake of a mythical Moloch, society, but in aiming at an improvement in his own welfare. Experience teaches that this condition—higher productivity achieved under division of labor—is present because its cause—the inborn inequality of men and the inequality in the geographical distribution of the natural factors of production—is real. Thus we are in a position to comprehend the course of social evolution.

而且只要分工下的劳动比孤立的劳动有更高的生产力，只要人们能够认识到这一事实，人的行动本身就会趋向于合作和协作；人之所以成为社会动物，并不在于他为了一个神秘的“以人身作祭品”（Moloch）的社会牺牲其己利，而在于他力求增进其自身的福利。经验告诉我们，
Several points are worth emphasizing here in order to reach a proper understanding of this fundamental insight of Mises's into the nature of society—points which will also help us realize some first, preliminary conclusions regarding the role of sex and race in social evolution. First, it is important to recognize that inequalities with respect to labor and/or land are a necessary but by no means a sufficient condition for the emergence of human cooperation. If all humans were identical and everyone were equipped with identical natural resources, everyone would produce the same qualities and quantities of goods, and the idea of exchange and cooperation would never enter anyone's mind. However, the existence of inequalities is not enough to bring about cooperation. There are also differences in the animal kingdom—most notably the difference of sex (gender) among members of the same animal species as well as the difference between the various species and subspecies (races), yet there is no such thing as cooperation among animals. To be sure, there are bees and ants who are referred to as "animal societies." But they form societies only in a metaphorical sense. The cooperation between bees and ants is assured purely by biological factors—by innate instincts. They cannot not cooperate as they do, and without some fundamental changes in their biological makeup, the division of labor among them is not in danger of breaking down. In distinct contrast, the cooperation between humans is the outcome of purposeful individual actions, of the conscious aiming at the attainment of individual ends. As a result, the division of labor among men is constantly threatened by the possibility of disintegration.

为了正确理解米塞斯关于社会本质（the nature of society）的基本观点，这里有几点值得强调。这几个要点也将有助于我们认识到一些关于性别和人种在社会进化中的作用的初步结论。首先，我们必须认识到，劳动力和/或土地方面的不平等是人类合作出现的必要条件，但绝不是充分条件。如果所有的人都是相同的，每个人都拥有相同的自然资源，那么每个人都会生产出相同质量和数量的商品，交换与合作的想法永远不会进入任何人的脑海。然而，不平等的存在不足以带来合作。动物王国也存在差异，最显著的不同是同一动物物种成员之间的性别差异，以及不同物种和亚种（种族）之间的差异，然而动物之间并不存在合作这一概念。诚然，蜜蜂和蚂蚁被称为“动物社会”，但它们只是在隐喻意义上（metaphorical sense）上构成社会。

蜜蜂和蚂蚁之间的合作纯粹是由生物因素——天生本能——决定的。它们只能如现在这般，而不可能不合作，如果他们的生物构成没有发生根本性的改变，它们之间

20 原注：路德维希・冯・米塞斯（Ludwig von Mises）《人的行动：经济学论文（Human Action: A Treatise on Economics）》，学者版（Auburn, Ala.: Ludwig von Mises Institute, 1998），第160页。

Within the animal kingdom, then, the difference between the sexes can only be said to be a factor of attraction—of reproduction and proliferation; whereas the differences of the species and subspecies can be referred to as a factor of repulsion—of separation or even of fatal antagonism, of evasion, of struggle, and annihilation. Moreover, within the animal kingdom it makes no sense to describe the behavior resulting from sexual attraction as either consensual (love) or nonconsensual (rape); nor does it make any sense to speak of the relationship between the members of different species or subspecies as one of hostility and hatred or of criminal and victim. In the animal kingdom there only exists interaction, which is neither cooperative (social) behavior nor criminal (antisocial) behavior. As Mises writes:

There is interaction—reciprocal influence—between all parts of the universe: between the wolf and the sheep that he devours; between the germ and the man it kills; between the falling stone and the thing upon which it falls. Society, on the other hand, always involves men acting in cooperation with other men in order to let all participants attain their own ends.  

In addition to an inequality of labor and/or land, a second requirement must be fulfilled if human cooperation is to evolve. Men—at least two of them—must be capable of recognizing the higher productivity of a
division of labor based on the mutual recognition of private property (of the exclusive control of every man over his own body and over his physical appropriations and possessions) as compared to either self-sufficient isolation or aggression, depredation, and domination. That is, there must be a minimum of intelligence or rationality; and men—at least two of them—must have the sufficient moral strength to act on this insight and be willing to forego immediate gratification for even greater future satisfaction. But for intelligence and conscious will, writes Mises,

除了劳动力和/或土地的不平等之外，如果人类合作要发展，还必须满足第二个要求。与自给自足的与世隔绝或侵略、掠夺和统治相比，他们中至少有两个人必须能够认识到，在相互承认私有财产（即每个人对自己的身体、物质占有和财产的排他性控制）的基础上，分工的生产力更高。也就是说，必须有最低限度的智力或理性；他们中至少有两个人必须有足够的道德力量来根据这一洞察力行事，并愿意放弃眼前的满足，以换取未来更大的满足。米塞斯写道，

…men would have forever remained deadly foes of one another, irreconcilable rivals in their endeavors to secure a portion of the scarce supply of means of sustenance provided by nature. Each man would have been forced to view all other men as his enemies; his craving for the satisfaction of his own appetites would have brought him into an implacable conflict with all his neighbors. No sympathy could possibly develop under such a state of affairs.

……如果不是有智力和有意识的意志，人们将永远停留在相互敌对的状态，为争夺自然界稀少的生活资源而成为不解之仇敌。每个人都不得不把所有同类视为敌人，为求得一己欲望的满足必然与所有邻人发生不可化解的冲突。在这种状况下，不可能生出同情。23

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23 原注：同上，第 144 页。很少有人比米塞斯更强调认识和理性对于社会的产生和维持的重要性。他解释道：

我们或可承认，原始人的杀戮毁坏嗜好及残暴的性情是与生俱来的。我们也可假设，在远古时代的环境下，侵略和杀伐的倾向实际上更有利生命的保存。人也曾是一种凶残的野兽（在此无需去考虑史前人类是肉食动物还是草食动物）。但我们必须牢记的是，生理上而言，人是一个弱小的动物。如果他不具备理性这一特殊的武器，他就无法与那些庞大的掠食野兽相抗争。人是理性动物，他不会毫无节制地屈从于每一次冲动的诱惑，他会按照理性的考虑来调整自己的行动。这些事实我们决不能从动物学的角度说它们是反自然的。理性的行为是指，在无法满足其所有的冲动、欲望和嗜好的事实面前，人会放弃那些在那些来看较不迫切的需要。为了不危及社会合作，人不得不抑制那些可能阻碍社会制度之建立的欲望。这种压抑无疑是痛苦的，然而人正是这样做的。他放弃了某些与社会生活不相容的欲望的满足，而优先满足那些对分工体系下所能满足甚至得到更大满足的欲望。他已经是迈上了通往文明、社会合作和财富的漫漫长路。但这并非不可更改和终极的选择。父辈的选择不能妨碍子女的自由选择。后者能够转变前者的抉择。每一天他们都可能改变原有的价值观，如赞成野蛮反对文明，或如某些作家所言，主张灵验反对理性，主张暴力反对和平。但他们必须选择，因为互不相容的事物不可能兼而有之。（《人的行动》，第 171-72 页）
A member of the human race who is completely incapable of understanding the higher productivity of labor performed under a division of labor based on private property is not properly speaking a person (a persona), but falls instead in the same moral category as an animal—of either the harmless sort (to be domesticated and employed as a producer or consumer good, or to be enjoyed as a "free good") or the wild and dangerous one (to be fought as a pest). On the other hand, there are members of the human species who are capable of understanding the insight but who lack the moral strength to act accordingly. Such persons are either harmless brutes living outside of and separated from human society, or they are more or less dangerous criminals. They are persons who knowingly act wrongly and who besides physically defeated must also be punished in proportion to the severity of their crime to make them understand the nature of their wrongdoings and hopefully to teach them a lesson for the future. Human cooperation (society) can only prevail and advance as long as man is capable of subduing, taming, appropriating, and cultivating his physical and animalistic surroundings, and as long as he succeeds in suppressing crime, reducing it to a rarity by means of self-defense, property protection, and punishment.

一个完全不能理解基于私有财产的分工会使劳动生产力更高的人类成员，说他是一个人（具有人格）是不恰当的，他与动物属于同一道德范畴——或是无害的物种（被人们驯养并用作生产工具或消费品，或作为“自由财货”以供享受），或是野蛮和危险的物种（被人们当作害虫斗争）。另一方面，有些人类成员能够理解该洞见，但缺乏相应行动的道德力量。这些人要么是生活在人类社会之外，并与人类社会区隔的无害畜类，要么或多或少是危险的罪犯。这些人明知故犯，除了必须驯服，甚至肉体上击败他们，还必须按其罪行严重程度给予相应惩罚，以使他们了解自己的错误行为的性质，并希望能给他们一个教训，以利将来。人类合作（社会）只有在人类能够征服、驯服、占有和培育其物理环境与动物环境（physical and animalistic surroundings），并通过自卫、财产保护和惩罚等手段成功地制止犯罪，将其减少到罕见的程度，才能盛行和发展。

II 大城市天然倾向于民主共和

As soon as these requirements are fulfilled, however, and as long as man, motivated by the knowledge of the higher physical productivity of a division of labor based on private property, is engaged in mutually

24 原注：见约瑟夫·T·萨勒诺 (Joseph T. Salerno) 《作为社会理性主义者的路德维希·冯·米塞斯 (Ludwig von Mises as Social Rationalist)》，载于《奥地利经济学评论 (Review of Austrian Economics)》第4卷 (1990)。
beneficial exchanges, the "natural" forces of attraction arising from the differences in the sexes and the "natural" forces of repulsion or enmity arising from the differences between and even within the races, can be transformed into genuinely "social" relations. Sexual attraction can be transformed from copulation to consensual relations, mutual bonds, households, families, love, and affection.[2](It testifies to the enormous productivity of the family-household that no other institution has proven more durable or capable of producing such emotions!) And inter- and intraracial repulsion can be transformed from feelings of enmity or hostility to a preference for cooperating (trading) with one another only indirectly—from afar and physically separated and spatially segregated—rather than directly, as neighbors and associates.[3]

然而，一旦这些要求得到满足，且只要人们在“基于私有财产的劳动分工具有更高的物质生产力”的知识之驱使下，从事互利的交换，就产生了由性别差异引起的“自然”吸引力，以及由于种族之间甚至种族内部的差异产生的“自然”排斥力或敌意，这样就可以转化为真正的“社会”关系。性吸引可以从交媾转变为自愿同意的关系、互相绑定（mutual bonds）、家庭、家族、爱情和亲情。[5](这证明了家庭的巨大生产力，没有其他制度被证明更持久或更有能力产生这样的情感!) 种族间和种族内的排斥可以从仇恨或敌意的感情，转变为与他人只进行间接合作（交易）——远远地在身体上区隔与空间上隔离，而非直接作为邻居和伙伴——的偏好。[6]

25 原注：米塞斯写道：

在社会合作的架构里，社会成员之间会出现同情、友爱和归属感。这些感情是我们人类最愉快和最崇高之经验的源泉。它们是人生最珍贵的点缀，由此把人从一般动物提升至真正存在的人。但是，这些感情或并非像某些人说的，是形成社会关系的动力。它们实乃社会合作之果实，并且只在社会合作之架构里发扬光大。它们不是先于社会关系的建立而存在，也非社会关系所由生发的种子。（同上，第 144 页）

米塞斯进一步解释说："男女两性间的互相吸引是人固有的一种动物属性，与任何思想和理论无关。我们不妨把这种天性称为是原始的、植物性的、本能的和神秘的；也不妨用一种比喻的方法说成是阴阳和合。我们可以把两个异性身体之间神秘的契合，称为神交。然而，无论是同居一处，抑或同居前后的结合，都不会促成社会合作和社会生活方式。动物在交配期内两相结合，但它们却无法发展出社会关系来。家庭生活不仅仅是两性婚姻的一种产物。父母子女在一起居家过日子，决非自然和必要的。配偶关系不一定产生一个家庭组织。人类家庭是思想、计划和行动的一种结果。正是这个事实，使人类家庭与所谓的'动物家庭'迥然相异。"（同上，第 167 页）

Human cooperation—division of labor—based on the one hand on integrated family-households and on the other one on separated households, villages, tribes, nations, races, etc., wherein man's natural biological attractions and repulsions for and against one another are transformed into a mutually recognized system of spatial (geographical) allocation (of physical approximation and integration or of separation and segregation, and of direct or of indirect contact, exchange and trade), leads to improved standards of living, a growing population, further extensification and intensification of the division of labor, and increasing diversity and differentiation.

As a result of this development and an ever more rapid increase of goods and desires which can be acquired and satisfied only indirectly, professional traders, merchants, and trading centers will emerge. Merchants and cities function as the mediators of the indirect exchanges between territorially separated households and communal associations and thus become the sociological and geographical locus and focus of intertribal or interracial association. It will be within the class of merchants in which racially, ethnically, or tribally mixed marriages are relatively most common; and since most people, of both reference groups, typically disapprove of such alliances, it will be the wealthier members of the merchant class who can afford such extravagances. However, even the members of the wealthiest merchant families will be highly circumspect in such endeavors. In order not to endanger their own position as a merchant, great care must be taken that every mixed marriage is, or at least appears to the relevant ethnicities to be a marriage between "equals." Consequently, the racial mixture brought on by the merchant class will more likely than not contribute to genetic "luxuration" (rather than genetic "pauperization").

Accordingly, it will be in the big cities as the centers of international trade and commerce, where mixed couples and their offspring typically reside, where members of different ethnicities, tribes, races, even if they do not intermarry, still come into regular direct personal contact with each other (in fact, that they do so is required by the fact that their respective tribesmen back home do not have to deal directly with more or less distasteful strangers), and where the most elaborate

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作为主体性反映对某种客观处境就是指人对环境作出的反应。主体性反映，看上去像个很神秘的专业词汇，但其实意思很简单：在西方哲学里，自然是客体，人是主体。主体性反映，就是指人对环境作出的反应，因为是主体的，所以这种反应不是机械的，而是可能的。因此，主体性反映，简单说，就是针对某种客观处境，人所作出的反应和行动表现。比如此处，“市民会发展出最为精致的人格与职业行为、礼仪与风尚形式。正是城市滋养了文明与文明的生活。”
To maintain law and order within a big city, with its intricate pattern of physical and functional integration and separation, a great variety of jurisdictions, judges, arbitrators and enforcement agencies in addition to self-defense and private protection will come into existence. There will be what one might call governance in the city, but there will be no government (state). For a government to arise it is necessary that one of these judges, arbitrators, or enforcement agencies succeed in establishing himself as a monopolist. That is, he must be able to insist that no citizen can choose anyone but him as the judge or arbitrator of last resort, and he must successfully suppress any other judge or arbitrator from trying to assume the same role (thereby competing against him). More interesting than the question of what a government is, however, are the following: How is it possible that one judge can acquire a judiciary monopoly, given that other judges will naturally oppose any such attempt; and what specifically makes it possible, and what does it imply, to establish a monopoly of law and order in a big city, i.e., over a territory with ethnically, tribally, and/or racially mixed populations?

大都市具有复杂的物理与功能的整合与区隔格局，为了在其中维持法律与秩序，除了自我防卫和私人安保之外，还将产生各种各样的司法管辖、法官、仲裁者和执法机构。在城市，会有可能被称为治理方式（governance）的东西，但不会有关政府（government）和国家（state）。政府之产生，必须是这些法官、仲裁者或执法机构之一，成功地将自己确立为垄断者（monopolist）。也就是说，他必须确保市民只能将他而非其他人作为终审（last resort）法官或仲裁者，他必须成功地阻止任何其他法官或仲裁者试图担任同样的角色（从而与之竞争）。然而，比“政府是什么”这一问题更有趣的是下这一点：既然其他法官天然地会反对司法垄断的尝试，是什么使得一个法官可能获得这种司法垄断地

老死不相往来，只要接触就干仗一一的社群、城市，其分工合作水平必然低下，无法进入文明状态。（2）这种礼仪与风尚会是多元和多样的，不同的城市，不同的文明会有不同的表现，而不是千篇一律的。

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First, almost by definition it follows that with the establishment of a city government interracial, tribal, ethnic, and clannish-familial tensions will increase because the monopolist, whoever he is, must be of one ethnic background rather than another; hence, his being the monopolist will be considered by the citizens of other ethnic backgrounds as an insulting setback, i.e., as an act of arbitrary discrimination against the people of another race, tribe, or clan. The delicate balance of peaceful interracial, interethnic, and interfamilial cooperation, achieved through an intricate system of spatial and functional integration (association) and separation (segregation), will be upset. Second, this insight leads directly to the answer as to how a single judge can possibly outmaneuver all others. In brief, to overcome the resistance by competing judges, an aspiring monopolist must shore up added support in public opinion. In an ethnically mixed milieu this typically means playing the "race card." The prospective monopolist must raise the racial consciousness among citizens of his own race, tribe, clan, etc., and promise, in return for their support, to be more than an impartial judge in matters relating to one’s own race, tribe, or clan (that is, exactly what citizens of other ethnic backgrounds are afraid of, i.e., of being treated with less than impartiality).

At this stage in this sociological reconstruction let us, without further explanation, briefly introduce a few additional steps required to arrive at a realistic contemporary scenario regarding race, sex, society, and state.

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32 原注：关于城邦——其特点是建立在家族（宗族）基础之上，并被家族冲突所撕裂的贵族政府（aristocratic-patrician government）——发展的第一个阶段（前民主阶段）的社会学探讨，见马克斯·韦伯（Max Weber）《城市（The City）》（New York: Free Press, 1958），第 3 章。另见下文注 330。
Naturally, a monopolist will try to maintain his position and possibly even turn it into an hereditary title (i.e., become a king). However, accomplishing this within an ethnically or tribally mixed city is a far more difficult task than within a homogeneous rural community. Instead, in big cities governments are far more likely to take on the form of a democratic republic—with "open entry" into the position of supreme ruler, competing political parties, and popular elections. In the course of the political centralization process—the territorial expansion of one government at the expense of another—this big city model of government, then, will become essentially its only form: that of a democratic state exercising a judicial monopoly over a territory with racially and/or ethnically widely diverse populations.

在社会学重构的这一阶段，我们在不作进一步解释的情况下，先简要介绍一些实现种族、性别、社会与国家（state）的现实的当代情境的额外步骤。垄断者自然会尝试维护其地位，甚至可能将其转变成世袭权力（hereditary title）（亦即成为国王）。然而，要在民族或部族混合的城市实现这一点，远比在同质的农村公社困难。相反，在大城市，政府更可能采取民主共和的形式——最高统治者之位“开放准入”、竞争性政党及全民选举。那么，在政治中心化过程—一国之政府以牺牲其他政府为代价扩张领土的过程——中，政府的大城市模式会基本上成为政府的唯一模式：在拥有广泛多样性的种族和/或民族人口之领土上进行司法垄断的民主国家。

III 家庭解体，社会原子化是权力扩张的结果

While the judicial monopoly of governments extends nowadays typically far beyond a single city and in some cases over almost an entire continent, the consequences for the relations between the races and sexes and spatial

33 原注：关于“大型商业城市的特点是典型的民主共和政体而非君主政体”这一说法不应被误解为一个简单的历史经验命题。实际上，历史上，政府的形成早于大型商业中心的建立。大多数政府都是帝制（monarchical）或王权（princely）政府，当大型商业城市刚兴起时，国王和王公的权力通常最初也延伸到这些新发展的城区。相反，上述说法应被理解为一个关于“皇室或王公统治具有种族混合人口的大型商业中心不可能具有内生起源”的社会学命题，亦即，它是一个本质（essentially）属于假设和反事实问题的答案。参见马克斯·韦伯（Max Weber）《社会学、世界历史分析与政治（Soziologie, Weltgeschichtliche Analysen, Politik）》（Stuttgart: Kroener, 1964），第41-42页，他指出，国王和贵族，即使居住在城市，也决不是城市国王和城市贵族。他们的权力中心在城市之外，在农村，他们对大商业中心的控制是脆弱的。因此，民主共和政体的首次经验通常在脱离了君主制和乡村环境的主导，获得了独立的城市出现。

34 原注：关于竞争之消除和国家向集权和领土扩张一一最终到建立世界政府的地步一一一一的内在趋势，见第5章，第11章和第12章。
approximation and segregation of government (monopoly) can still be best observed in the great cities and their
decline from centers of civilization to centers of degeneration and decay.

With a central government extending over cities and the countryside, countries, inlanders, and foreigners are
created. This has no immediate effect on the countryside, where there are no foreigners (members of different
ethnicities, races, etc.). But in the great trading centers, where there are mixed populations, the legal
distinction between inlander and foreigner (rather than ethnically or racially distinct private property owners)
will almost invariably lead to some form of forced exclusion and a reduced level of interethnic cooperation.
Moreover, with a central state in place, the physical segregation and separation of city and countryside will
be systematically reduced. In order to exercise its judicial monopoly, the central government must be able to
access every inlander's private property, and to do so it must take control of all existing roads and even
expand the existing system of roadways. Different households and villages are thus brought into closer
contact than they might have preferred, and the physical distance and separation of city and countryside will
be significantly diminished. Thus, internally, forced integration will be promoted.

随着中央政府向城市和乡村延伸，产生了国家、本土人（inlanders）与外国人（的概念）。这对没有
外国人（不同民族、种族等成员）的乡村没有直接影响。但在有混合人口的大型贸易中心，本土人与
外国人（而非不同民族或种族的私有财产所有者）之间的法律上的区别，会几乎不可避免地导致某种
形式的强制排斥和跨民族合作水准的缩减。此外，随着中央集权国家的建立，城市与乡村的隔离与分
立（segregation and separation）也会系统性地减少。为了执行司法垄断，中央政府必须能够跨越每一
个本土人的私产范围，为了做到这一点，它必须控制所有既存道路，甚至扩大既存的道路系统，从而
带来不同家族与村庄更亲密的接触，这种接触本非他们之所好，而城市与乡村物理距离和区隔也会大
大缩小。因此，会内在地促进强制一体化。

Naturally, this tendency toward forced integration due to the monopolization of roads and streets will be most
pronounced in the cities. This tendency will be further stimulated if, as is typical, the government takes its
seat in a city. A popularly elected government cannot help using its judicial monopoly to engage in
redistributive policies in favor of its ethnic or racial constituency, which will invariably attract even more of
its own tribe's members, and with changes in the government more members of even more and different
tribes will be drawn from the countryside to the capital city to receive either government jobs or handouts. As
Moreover, while interracial, tribal, and ethnic marriages were formerly rare and restricted to the upper strata of the merchant class, with the arrival of bureaucrats and bums from various racial, tribal, and ethnic backgrounds in the capital city, the frequency of interethnic marriage will increase, and the focus of interethnic sex—even without marriage—will increasingly shift from the upper class of merchants to the lower classes—even to the lowest class of welfare recipients. Rather than genetic luxuration, the consequence is increased genetic pauperization, a tendency furthered by the fact that government welfare support will naturally lead to an increase in the birthrate of welfare recipients relative to the birthrate of other members, in particular of members of the upper class of their tribe or race. As a result of this overproportional growth of low and even underclass people and an increasing number of ethnically, tribally, racially mixed offspring especially in the lower and lowest social strata, the character of democratic (popular) government will gradually change as well. Rather than the "race card" being essentially the only instrument of politics, politics becomes increasingly "class politics." The government rulers can and will no longer rely exclusively on their ethnic, tribal, or racial appeal and support, but increasingly they must try to find support across tribal or racial lines by appealing to the universal (not tribe or race specific) feeling of envy and egalitarianism, i.e., to social class (the untouchables or the slaves versus the masters, the workers versus the capitalists, the poor versus the rich, etc.).

此外，虽然种族、部族与民族之间的婚姻此前很少见，且仅限于商人阶级的上层人士，但随着不同种族、部族和民族背景的官僚与流浪汉来到首都，跨族婚姻的频率会增加，跨民族性行为的焦点——甚至不必通婚——会越来越多地从商人的上层阶层转向下层阶级——甚至最下层的福利领取者。其后果是基因劣化而非优化，政府的福利支持自然会导致福利领取者的出生率相对于其他成员（尤其是其部族或种族之上的成员）有所提高，它会进一步深化这一趋势。由于这种下层甚至底层阶级民众
The increasing admixture of egalitarian class politics to the preexisting tribal policies leads to even more—racial and social—tension and hostility and to an even greater proliferation of the low and under-class population. In addition to certain ethnic or tribal groups being driven out of the cities as a result of tribal policies, increasingly also members of the upper classes of all ethnic or tribal groups will leave the city for the suburbs (only to be followed—by means of public (government) transportation—by those very people whose behaviors they had tried to escape). With the upper class and the merchants leaving in larger numbers, the suburbs (only to be followed—by means of public (government) transportation—by those very people whose behaviors they had tried to escape).


36 原注：关于城市政府发展（city government）的第二个阶段——民主政府或“平民”政府阶段——的学术探讨，见马克斯·韦伯（Max Weber）《城市（The City）》第4章。这一阶段乃是基于阶级和“阶级冲突”，而非如前一阶段的贵族政府那样，基于氏族和家族冲突。韦伯的一个重要观察是，与贵族式的城市政府相反，平民政府的特点是关于法律本质的概念发生了变化。人定法（legislation）的启动与贵族统治的废除同步进行。人定法最初采取的形式是构成了埃森米特（aesymnetes）（在有限时间内拥有最高权力的统治者）制定带有个人魅力特征的法规。但是很快，人们接受了新创永久性法律的状况。事实上，公民大会的新立法变得如此常见，以至于导致了一种不断流变（continuous flux）的状态。很快，一种纯粹的世俗司法被适用于希腊的法律，或者罗马地方法官的指令。法律的创制到了这样一种流变的状态，以至于在希腊，现行法律应该保持还是修改这个问题，每年都要直接摆在大众面前。因此，“法律是人为创制的，且它应该建立在适用对象的批准之上”成为广为接受的前提。【译注：aesymnetes，古希腊神狄奥尼索斯的一个别称，也是古希腊选官员的一个称谓。这个词的词源意是给予每个人公正比例的人。这个词在古希腊时与tyrant（暴君）是同义词。这个头衔用来表示一个偶尔被他同胞自愿授予的人，在希腊国家中拥有基本上无限的权力。亚里士多德称这个职位为“选举暴政”，并说aesymnetai的权力在某种程度上具有“国王和专制权威”的性质；因为他被合法任命并统治自愿的臣民，但同时在他的公共管理中不受任何法律的约束。】

同样，在中世纪的欧洲城邦，“人民（pololo）建立统治也产生了类似的后果……它也搜肠刮肚搞出了无数版本的城市法律，并将普通法和法院规则（审判法）编成法典，产生了各种过剩的法规和超额的官员”（第172页）。随着法律观念的改变，政治行为也随之不同。

人民体系（the popolo system）的政治性司法制度拥有官方间谍系统，偏好匿名举报、热衷加速审查权贵、“臭名昭著”地滥用简化证据，它是威尼斯十人贵族审判委员会的民主化对应物。客观地说，人民体系的特征是：排斥骑士家族的所有成员；迫使贵族保持良好行为；让贵族家庭为其所有成员交纳保证金；制定专门的刑法，惩治大亨的政治犯罪，特别是侮辱人民群众的荣誉；禁止贵族未经平民允许获得与平民差不多的财产。然而，既然贵族家庭也可被明确接纳为平民一部分，即使人民体系的官职也几乎总是被贵族占据。（第160-161页）
numbers, however, one of the last remaining civilizing forces will be weakened, and what is left behind in the cities will represent an increasingly negative selection of the population: of government bureaucrats who work but no longer live there, and of the lowlifes and the social outcasts of all tribes and races who live there yet who increasingly do not work but survive on welfare. (Just think of Washington, D.C.)

平等主义阶级政治与先前存在的部族政策越来越多地混合在一起，导致更严重的——种族和社会——紧张和敌意，并导致低级和底层阶级人口更大规模地暴增。除了由于部族政策导致特定民族或部族群体被驱逐出大城市之外，所有民族或部族群体的上流阶层成员也会越来越多地离开城市，去到乡村（只是会被那些具有这类人士试图躲避之行为的人通过公共（政府）交通工具所尾随）。然而，随着上层阶级和商人大量离开，维系文明的终极力量之一会被削弱，留在城市的，是日益增加的人口逆向选择（negative selection of the population）：在城里工作，但不再住在城里的政府官僚；所有部族与种族中仍然住在城里，但却越来越只靠福利生活而不去工作的人渣和社会弃儿。（想想华盛顿特区的情况吧。）

When one would think that matters could not possibly become worse, they do. After the race and the class card have been played and done their devastating work, the government turns to the sex and gender card, and "racial justice" and "social justice" are complemented by "gender justice." [18] The establishment of a government—a judicial monopoly—not only implies that formerly separated jurisdictions (as within ethnically or racially segregated districts, for instance) are forcibly integrated; it implies at the same time that formerly fully integrated jurisdictions (as within households and families) will be forcibly broken down or even dissolved. Rather than regarding intra-family or household matters (including subjects such as abortion, for instance) as no one else's business to be judged and arbitrated within the family by the head of the household or family members, [19] once a judicial monopoly has been established, its agents—the government—also become and will naturally strive to expand their role as judge and arbitrator of last resort in all family matters. To gain popular support for its role the government (besides playing one tribe, race, or social class against another) will likewise promote divisiveness within the family: between the sexes—husbands and wives—and the generations—parents and children. [20] Once again, this will be particularly noticeable in the big cities.

[37] 注: 关于这一趋势，见爱德华·班菲尔德（Edward Banfield）《重访罪恶之都（The Unheavely City Review）》(Boston: Little, Brown, 1974)。
Every form of government welfare—the compulsory wealth or income transfer from "haves" to "have-nots"—lowers the value of a person's membership in an extended family-household system as a social system of mutual cooperation and help and assistance. Marriage loses value. For parents the value and importance of a "good" upbringing (education) of their own children is reduced. Correspondingly, for children less value will be attached and less respect paid to their own parents. Owing to the high concentration of welfare recipients, in the big cities family disintegration is already well advanced. In appealing to gender and generation (age) as a source of political support and promoting and enacting sex (gender) and family legislation, invariably the authority of heads of families and households and the "natural" intergenerational hierarchy within families is weakened and the value of a multi-generational family as the basic unit of human society diminished. Indeed, as should be clear, as soon as the government's law and legislation supersedes family law and legislation (including inter-family arrangements in conjunction with marriages, joint-family offspring, inheritance, etc.), the value and importance of the institution of a family can only be systematically eroded. For what is a family if it cannot even find and provide for its own internal law and order! At the same time, as should be clear as well but has not been sufficiently noted, from the point of view of the government's rulers, their ability to interfere in internal family matters must be regarded as the ultimate prize and the pinnacle of their own power. To exploit tribal or racial resentments or class envy to one's personal advantage is one thing. It is quite another accomplishment to use the quarrels arising within families to break up the entire—generally harmonious—system of autonomous families: to uproot individuals.

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40 原注：见罗伯特·尼斯贝特 (Robert Nisbet)《偏见：哲学词典》(Prejudices: A Philosophical Dictionary) (Cambridge, Mass.: Harvard University Press, 1982)，第1-8页，第110-117页。
from their families to isolate and atomize them, thereby increasing the state's power over them. Accordingly, as the government's family policy is implemented, divorce, singledom, single parenting, and illegitimacy, incidents of parent, spouse, and child-neglect or abuse, and the variety and frequency of "nontraditional" lifestyles (homosexuality, lesbianism, communism, and occultism) increase as well.

任何形式的政府福利，都涉及强制性地将财富或收入从“富有者”转至“贫乏者”，都会降低人们作为扩展性的家庭-家族系统之成员的价值，该系统本来是一种互相协作、互相帮助和互相支援的社会化系统。婚姻失去了它的价值。对父母来说，对自己孩子进行“良好”教养（教育）的价值和重要性减少了。相应地，对孩子来说，对父母的重视和尊重会更少。由高度集中了福利领取者，大城市家庭解体现象已经非常严重。在呼吁将性别与代际（年龄）作为政治性支持的资源过程中，在推动和践行性（性别）与家庭立法的过程中，家族与家庭领袖的权威和家族内部“自然的”代际继承总是被削弱，数代同堂的家庭作为人类社会基础单元的价值减少了。实际上，应该清楚的是，只要政府的法律与立法凌驾于家庭的法律与立法——包括与联姻、联合家庭的后代、继承等有关的跨家族安排——之上，家庭制度的价值与重要性只会被系统性地侵蚀。如果一个家族甚至不能发掘并维护自己的法律与秩序，那它还算什么家族？！同时，还应该清楚的是，从政府统治者这一视角出发，必须将他们干涉家庭内部事务的能力，视作其自身权力的终极奖赏与顶峰。利用部族怨恨、种族怨恨或阶级嫉妒谋取个人私利是一回事。利用家族内部的纷争打破整个——代际和谐的——自发的家庭系统是另一种非凡的成就：将个人从家族中连根拔起，使之孤立和原子化，从而增加国家对他们的权力。因此，由于政府家庭政策的实施，离婚，独身，单亲之种类和频率，父母、配偶和儿童被忽视和虐待的事件之种类和频率，“非传统”的生活方式（男女同性恋，共产主义，神秘主义等等）之种类和频率也在增加。

Parallel to this development will be a gradual but steady surge in crime and criminal behavior. Under monopolistic auspices, law will invariably be transformed into legislation. As a result of an unending process of income and wealth redistribution in the name of racial, social, and/or gender justice, the very idea of justice as universal and immutable principles of conduct and cooperation will be eroded and ultimately destroyed. Rather than being conceived of as something preexisting (and to be discovered), law is increasingly considered as government made law (legislation). Accordingly, not only will legal uncertainty increase, but in reaction the social rate of time preference will rise (i.e., people in general will become more present-oriented and have an increasingly shorter planning horizon). Moral relativism will also be promoted. For if there is no such thing as an ultimate right, then there is also no such thing as an absolute wrong. Indeed,
What is right today may be wrong tomorrow, and vice versa. Rising time preferences combined with moral relativism, then, provides the perfect breeding ground for criminals and crimes—a tendency especially evident in the big cities. It is here that the dissolution of families is most advanced, that the greatest concentration of welfare recipients exists, that the process of genetic pauperization has progressed furthest, and that tribal and racial tensions as the outcome of forced integration are most virulent. Rather than centers of civilization, cities have become centers of social disintegration and cesspools of physical and moral decay, corruption, brutishness, and crime.  

With this development, crime and criminal behavior are also increasing gradually but steadily. In a system based on monopoly control, the law always becomes the law of the most uncertain legislation. If the uncertainty of legislation is increasing, the law is inevitably transformed into legislation. Because without ultimate justice, society becomes more oriented towards the present, and the social time preference rate will also rise. People in general are more likely to pay attention to something that is wrong. At least a significant number must also be intelligent enough to realize that something is wrong. At least a significant number must also be intelligent enough to realize that something is wrong. At least a significant number must also be intelligent enough to realize that something is wrong.

What follows from all of this? Clearly, Western civilization has been on a course of self-destruction for quite some time. Can this course be stopped, and if so, how? I wish I could be optimistic, but I am not so sure that there is sufficient reason for optimism. To be sure, history is ultimately determined by ideas, and ideas can, at least in principle, change almost instantly. But in order for ideas to change it is not sufficient for people to see that something is wrong. At least a significant number must also be intelligent enough to realize that something is wrong.  

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recognize what it is that is wrong. That is, they must understand the basic principles upon which society—human cooperation—rests—the very principles explained here. And they must have sufficient will power to act according to this insight. But it is precisely this which one must increasingly doubt. Civilization and culture do have a genetic (biological) basis. However, as the result of statism—of forced integration, egalitarianism, welfare policies, and family destruction—the genetic quality of the population has most certainly declined. Indeed, how could it not when success is systematically punished and failure rewarded? Whether intended or not, the welfare state promotes the proliferation of intellectually and morally inferior people and the results would be even worse were it not for the fact that crime rates are particularly high among these people, and that they tend to eliminate each other more frequently.

However, even if all of this does not give much hope for the future, all is not lost. There still remain some pockets of civilization and culture. Not in the cities and metropolitan areas, but in the heartland (countryside). In order to preserve these, several requirements must be fulfilled: The state—a judicial—monopoly must be recognized as the source of decivilization: states do not create law and order, they destroy it. Families and households must be recognized as the source of civilization. It is essential that the heads of families and households reassert their ultimate authority as judge in all internal family affairs. (Households must be declared extraterritorial territory, like foreign embassies.) Voluntary spatial segregation, and discrimination, must be recognized as not bad but good things that facilitate peaceful cooperation between different ethnicities.

Footnote:

and racial groups. Welfare must be recognized as a matter exclusively of families and voluntary charity, and state welfare as nothing but the subsidization of irresponsibility.

然而，即使这一切都没有给未来太多希望，也还是有一线希望（all is not lost）。文明与文化仍有片瓦与立锥之地。它不在城市与大都会地区，而在中部（乡村）。为了保存文明与文化，必须满足几项要求：国家——司法——垄断必须被认为是反文明的根源，国家不创造法律与秩序，而是会破坏法律和秩序。家族与家庭必须被认为是文明的源泉。至关重要的是，在所有家庭内部事务上，家族与家庭领袖重申他们作为法官的终极权威。（家族必须像外国使馆一样，被宣布为域外领土。）自愿分开的隔离，以及歧视必须被认为是好事而非坏事，它们有助于不同民族与种族群体之间的和平合作。福利必须被认为完全是家族事务和自愿慈善，国家福利必须被认为完全只是对不负责任之行为的补贴。
Let me begin by discussing two possible meanings of the term conservative. The first meaning is to refer to someone as conservative who generally supports the status quo; that is, a person who wants to conserve whatever laws, rules, regulations, moral and behavioral codes happen to exist at any given point in time.

Because different laws, rules, and political institutions are in place at different times and/or different locations, what a conservative supports depends on and changes with place and time. To be a conservative means nothing specific at all except to like the existing order, whatever that may be.

The first meaning can be discarded, then. The term conservative must have a different meaning. What it means, and possibly only can mean, is this: Conservative refers to someone who believes in the existence of a natural order, a natural state of affairs which corresponds to the nature of things: of nature and man. This natural order is and can be disturbed by accidents and anomalies: by earthquakes and hurricanes, diseases, pests, monsters and beasts, by two-headed horses or fourlegged humans, cripples and idiots, and by war, conquest and tyranny. But it is not difficult to distinguish the normal from the anomaly, the essential from the accidental. A little bit of abstraction removes all the clutter and enables nearly everyone to "see" what is and
Conservative refers to someone who recognizes the old and natural through the "noise" of anomalies and accidents and who defends, supports, and helps to preserve it against the temporary and anomalous. Within the realm of the humanities, including the social sciences, a conservative recognizes families (fathers, mothers, children, grandchildren) and households based on private property and in cooperation with a community of other households as the most fundamental, natural, essential, ancient, and indispensable social units. Moreover, the family household also represents the model of the social order at large. Just as a hierarchical order exists in a family, so is there a hierarchical order within a community of families—of apprentices, servants, and masters; vassals, knights, lords, overlords, and even kings—tied together by an elaborate and intricate system of kinship relations; and of children, parents, priests, bishops, cardinals, patriarchs or popes, and finally the transcendent God. Of the two layers of authority, the earthly physical power of parents, lords, and kings is naturally subordinate and subject to control by the ultimate spiritual-intellectual authority of fathers, priests, bishops, and ultimately God.

保守主义者指的是那些通过异常与偶然的“噪音”认识古老与自然的人，是那些捍卫、支持和协助保存古老与自然，对抗临时与异常的人。在人文领域，包括社会科学领域，保守主义者认为家族（父亲、
对保守主义哲学来说，根于家庭与财产至上的观念

几乎任何关于中世纪家庭与婚姻法的事

使财产脱离家庭掌握的威胁

他成员谋取更多利益

保守派对家庭的崇敬很大程度上在于家庭和财产之间的历史亲缘关系

人的外在附属物

产

过去传下来的每一种观念或事物

University of Minnesota Press

Analysis

的精神

希望维护家族

保守主义者

stand for and want to preserve the family and the social hierarchies and layers of material as well as

spiritual-intellectual authority based on and growing out of family bonds and kinship relations.

保守主义者或更具体地说，西方希腊-基督教保守主义者），如果他们代表什么的话，那就是代表并希望维护家族、社会等级和物质层次（layers of material），以及维护源自并基于家族纽带和亲属关系的精神-智力权威。

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44 原注：见罗伯特·尼斯贝特 (Robert Nisbet)《保守主义 (Conservatism)》，载于《社会学分析史 (A History of Sociological Analysis)》，汤姆·巴托莫尔 (Tom Bottomore) 和罗伯特·尼斯贝特 (Robert Nisbet) 主编 (New York: Basic Books, 1978)；罗伯特·尼斯贝特 (Robert Nisbet) 《保守主义：梦想与现实 (Conservatism: Dream and Reality)》 (Minneapolis: University of Minnesota Press, 1986)。尼斯贝特写道：“很自然地，保守主义者在他们对传统的呼吁中，并没有赞同从过去传下来的每一种观念或事物。传统主义哲学与所有类似哲学一样，是选择性的。一个有益（但不那么令人舒服）的传统必须来自过去，但它本身也必须是可取的”（同上，第 26 页）。尼斯贝特接着解释说，保守主义哲学中的两个核心概念是“财产”和（自愿承认的）“权威”，这反过来又意味着“自由”和“秩序”（第 34-35 页）。在保守主义哲学中，财产不仅仅是人的外在附属物，不仅仅是满足人的需要的无机仆役。在文明中，它比其他任何东西都重要，是人性最重要的条件，是人类优越于整个自然世界的表现”。（第 56 页）

保守派对家庭的崇敬很大程度上在于家庭和财产之间的历史亲缘关系。通常，任何家庭的规则都是尽可能为自己的子女和其他成员谋取更多利益，都是一个常见的准则。没有什么议题，比保守主义者为对付“通过法律以征税或其他形式的再分配，使财产脱离家庭掌握的威胁”，与自由派和社会主义者进行的斗争更为激烈。（第 52 页）

几乎任何关于中世纪家庭与婚姻法的事情，包括对极端看重女性贞操，严厉惩处妻子通奸，都源自对财产与财产合法继承权近乎绝对的敬畏。（第 57 页）

同样的，保守主义者对权威和社会等级秩序的强调，与中世纪——前宗教改革——欧洲的社会组织模式的亲密关系一样，植根于家庭与财产至上的观念。尼斯贝特解释道，

对保守主义哲学来说，没有什么原则比“自由与平等内在地、绝对地不兼容”更为基本。这种不兼容源自两种价值观目标相反。自由的持久目的是保护个人与家庭财产，财产这个词，用在最广泛的意义上，包括了生活中的物质与非物质内容，另一方面，平等的固有目标，是某种形式的再分配或拉平共同体内物质与非物质价值的不均等份额。此外，思想与身体的个人力量生来不同，通过法律和政府补偿这种力量分化的所有努力，只会削弱相关个体的自由；尤其是最强大和最出色者的自由。（第 47 页）
II 当代保守主义的根本错误

Let me now come to an evaluation of contemporary conservatism, and then go on to explain why conservatives today must be antistatist libertarians and, equally important, why libertarians must be conservatives.

现代保守主义，在美国和欧洲，是混乱和扭曲的。这种混乱很大程度是民主造成的。在代议制民主的影响下，随着美国和欧洲一战后转变为大众民主，保守主义从一种反平等主义、贵族主义、反国家主义的意识形态力量转变成文化上保守的国家主义运动：社会主义和社会民主的右翼。大部分自命的当代保守

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那么，对于保守主义者来说，维护财产和自由，就要求存在自然精英或自然贵族，因此，保守主义者严厉反对民主。实际上，尼克斯贝特指出，“对大多数保守主义者来说，看上去，社会主义几乎是民主的必然结果，而极权主义也几乎是社会民主主义的必然产物” (第92页)。关于自由与平等 (与民主) 的不兼容性，也可参见埃里克·冯·库内特-莱迪恩 (Erik von Kuehnelt-Ledlhn) 《自由还是平等？ (Liberty or Equality?)》 (Front Royal, Va.: Christendom Press, 1993)；关于保守主义对自然新贵 (nobilitas naturalis) 是自由的社会学先决条件之强调，也可参见威廉·勒普克 (Wilhelm Ropke)《Jenseits von Angebot und Nachfrage》 (Bern: Paul Haupt, 1979) 第3章第3节。
That this is largely true for the so-called neoconservatives does not require further explanation here. Indeed, as far as their leaders are concerned, one suspects that most of them are of the latter (evil) kind. They are not truly concerned about cultural matters but recognize that they must play the cultural-conservatism card so as not to lose power and promote their entirely different goal of global social democracy. However, it is also true of many conservatives who are genuinely concerned about family disintegration or dysfunction and cultural rot. I am thinking here in particular of the conservatism represented by Patrick Buchanan and his movement Buchanans conservatism is by no means as different from that of the conservative Republican party establishment as he and his followers fancy themselves. In one decisive respect their brand of conservatism is in full agreement with that of the conservative establishment: both are statists. They differ over what exactly needs to be done to restore normalcy to the U.S., but they agree that it must be done by the state. There is not a trace of principled antistatism in either.

46 neo-作为前缀，一般是指“仿古翻新的”，new-作为前缀，则是指“全新的”。中文中，两个前缀一般都译作“新”，为示区别。本书中，neo-译成打引号的“新”，new-译作没有引号的新。neoconservative 与 new neoconservatives 的区别，详见下一条注释。
而，的确有许多保守主义者真正关心家庭解体或失调以及文化的腐朽。这里我特别想到了帕特里克·布坎南（Patrick Buchanan）及其活动所代表的保守主义。布坎南的保守主义绝非如他和他的追随者自我想象的那样，与保守主义的共和党建制派有所不同。在一个决定性的方面，他们这个品种的保守主义与建制派保守主义者完全一致：都是国家主义者。对于要在美国恢复常态究竟需要做些什么，他们存在分歧，但是他们都同意，这些事情得由国家来做。他们都没有一丝原则性的反国家主义。

Let me illustrate by quoting Samuel Francis, one of the leading theoreticians and strategists of the Buchananite movement. After deploiring "anti-white" and "anti-Western" propaganda, "militant secularism, acquisitive egoism, economic and political globalism, demographic inundation, and unchecked state centralism," he expounds on a new spirit of "America First," which "implies not only putting national

在其《1959 年哥德斯堡纲领（Godesberg Program of 1959）》中，就将“尽可能多的市场，尽可能必要的国家”这个口号采纳为核心座右铭。

第二种有点老，但现在很难分辨的当代美国保守主义分支的代表是新（new，新的，不同于往时往日的）（二战后的）保守主义，它是在中情局（CIA）的帮助下，由威廉·巴克利（William Buckley）及其《国家评论（National Review）》杂志发起和推动的。老的（二战前的）美国保守主义的特征是外交政策上明确地反干预主义（孤立主义）观点，而巴克利的新保守主义商标是其狂热的军国主义和干预主义外交政策。1952 年 1 月 25 日，在一篇名为《一个年轻的共和党的观点》的文章中，巴克利总结道，什么将成为新保守主义的信条？鉴于苏联的威胁，“我们（新保守主义者）必须接受过渡时期的大政府——除了借助我们国家的极权主义官僚体制之外，我们既不能发动进攻，也无法组织防御……”，此文发表于其公益刊物《国家评论》创立三年前。巴克利写道，保守主义者有责任推动“支持强有力广泛的积极税法以满足强有力的反共外交政策”以及“大规模陆海军力量、原子能、中央情报、军工生产委员会以及随之而来的华盛顿中央集权之所需”。毫不意外的是，自从苏联在 1980 年代末崩溃以来，这种哲学基本没有任何改变。今天，美国福利——战争国家之延续与维护，是美国“新”保守主义者和新保守主义者【注：译注：the new and neoconservative movement，第一种（new conservative）是完全不同于古典时代保守主义，但以保守主义命名的运动，此处指巴克利式保守主义，后一种（neo conservative）是继承、仿效古典时代保守主义的运动，此处指布坎南式保守主义】同样以谈论其他外敌和外来危险——中国，伊斯兰基地组织，萨达姆·侯赛因，“流氓世界”和/或“全球恐怖主义”威胁——的方式来开脱并推进的。关于这种巴克利式的保守主义，罗伯特·巴格特指出：

所有对“保守主义”一词的错误归属中……从历史的眼光看，最适的无疑是将“保守主义”用于最新获得提名的那群人（也就是热衷于为大幅度增加军费开支而扩大预算的人）。因为在美国，整个二十世纪，包括四次实质性的海外战争，保守主义者一直坚定不移地为增加军事预算发声，一直强调世界贸易而非美国民族主义（American nationalism）。在两次世界大战中、在韩国、在越南，都将美国带入战争的领导人，都是那些声名远扬的自由派进步主义者，诸如伍德罗·威尔逊（Woodrow Wilson），富兰克·林罗斯福（Franklin Roosevelt），哈里·杜鲁门（Harry Truman）和约翰·F·肯尼迪（John F. Kennedy）等。在这四个美国历史的插曲中，保守主义者，无论是在国民政府中，还是在普通民众中，大都被对干预持敌对态度；但的确是孤立主义者。《保守主义》第 103 页。而关于罗纳德·里根——在其任内，新保守主义运动和“新”保守主义运动融合在一起，尼斯贝特已经指出“里根对十字军东征、道德和军国主义的热情，几乎不是美式保守主义”。（同上，第 104 页）

interests over those of other nations and abstractions like 'world leadership,' "global harmony," and the 'New World Order,' but also giving priority to the nation over the gratification of individual and subnational interests." So far so good. But how does he propose to fix the problem of moral degeneration and cultural rot? Those parts of the federal Leviathan responsible for the proliferation of moral and cultural pollution such as the Department of Education, the National Endowment of the Arts, the Equal Employment Opportunity Commission, and the federal judiciary should be closed or cut down to size. But there is no opposition against the state's involvement in educational matters. There is no recognition that the natural order in education means that the state has nothing to do with it. Education is entirely a family matter.

Moreover, there is no recognition that moral degeneracy and cultural rot have deeper causes and cannot simply be cured by state-imposed curriculum changes or exhortations and declamations. To the contrary, Francis proposes that the cultural turn-around—the restoration of normalcy—can be achieved without a fundamental change in the structure of the modern welfare state. Indeed, Buchanan and his ideologues explicitly defend the three core institutions of the welfare state: social security, medicare, and unemployment.

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48 原注：布坎南及其知识分子盟友想要废除联邦政府对教育事务的控制，并让其回归到州政府，最好是地方政府控制的水平。然而，“新”保守主义和大多数所谓基督教右翼与“道德多数党人”只渴望由另一种力量，也就是他们自己取代当前的左翼自由派精英，来掌管国民教育，从真正的保守主义角度看，这要糟糕得多。罗伯特·尼斯贝特批评了这种姿态，“从柏克（Burke）开始，‘削弱家庭或任何重要的社会群体的必然之路，是政府宣称，然后垄断家庭的历史性功能’，一直是保守主义的箴言和源自奥古斯都·孔德（Auguste Comte）的社会学原则。”相比之下，许多当代美国右派“对柏克式免除政府权力的兴趣，比将最大化的政府权力交给那些可以信任的人的兴趣更小。控制权力而非缩小权力的选项排名更靠前。”

利用家庭——福音派十字军经常这么干——作为无休止地发动诸如‘彻底禁止堕胎’、让司法部调查每一只小母鹿【译注：Baby Doe，此处暗指怀孕年轻的女孩儿】，通过宪法授权强制公立学校“自愿”祈祷等运动的理由，从传统的保守主义观点看，这是愚蠢的。（尼斯贝特《保守主义》第104-105页）
subsidies. They even want to expand the "social" responsibilities of the state by assigning to it the task of "protecting," by means of national import and export restrictions, American jobs, especially in industries of national concern, and "insulate the wages of U.S. workers from foreign laborers who must work for $1 an hour or less."

此外，没人认识到道德沦丧与文化腐朽有更深层次的原因，它们无法简单地通过国家强加的课程改革或劝告或声明得以解决。相反，弗朗西斯提出，无需对当代福利国家的结构进行根本变革，进行文化转向（cultural turn-around）——恢复常态——就可以实现。实际上，布坎南和他的理论家明确地捍卫福利国家的三个核心机制：社会保障、医疗保健和失业补助。他们甚至扩大国家的“社会责任”，给国家指派“保护”任务，保护美国就业机会——尤其是国家关注的行业内的工作和“使美国工人的工资不受那些必须为时薪小于等于1美元而工作的外国劳工之影响”。

In fact, Buchananites freely admit that they are statists. They detest and ridicule capitalism, laissez-faire, free markets and trade, wealth, elites, and nobility; and they advocate a new populist—indeed proletarian—conservatism which amalgamates social and cultural conservatism and social or socialist economics. Thus, continues Francis,

事实上，布坎南派公开承认他们是国家主义者。他们厌恶并嘲笑资本主义、自由放任、自由市场和贸易、财富、精英和贵族；他们主张一种新的民粹主义——实际上是无产者的保守主义，这种保守主义将社会和文化保守主义和社会化或社会主义经济混在一起。因此，弗朗西斯继续说，

while the left could win Middle Americans through its economic measures, it lost them through its social and cultural radicalism, and while the right could attract Middle Americans through appeals to law and order and defense of sexual normality, conventional morals and religion, traditional social institutions and invocations of nationalism and patriotism, it lost Middle Americans when it rehearsed its old bourgeois economic formulas.

虽然左派通过其经济措施赢得了美国中产（Middle American）的支持，但却通过其社会与文化的激进主义丧失了他们的支持；虽然右派通过诉诸法律与秩序和捍卫正常的性、传统道德
Hence, it is necessary to combine the economic policies of the left and the nationalism and cultural conservatism of the right, to create "a new identity synthesizing both the economic interests and cultural-national loyalties of the proletarianized middle class in a separate and unified political movement."

For obvious reasons this doctrine is not so named, but there is a term for this type of conservatism: It is called social nationalism or national socialism.

Therefore, there is a need to combine the economic policies of the left with the nationalism and cultural conservatism of the right, to create "a new identity synthesizing both the economic interests and cultural-national loyalties of the proletarianized middle class in a separate and unified political movement." For obvious reasons, this doctrine is not named this way, but there is a term for this type of conservatism: It is called social nationalism or national socialism.

I will not concern myself here with the question whether or not Buchanan’s conservatism has mass appeal and whether or not its diagnosis of American politics is sociologically correct. I doubt that this is the case, and certainly Buchanan’s fate during the 1995 and 2000 Republican presidential primaries does not indicate otherwise. Rather, I want to address the more fundamental questions: Assuming that it does have such appeal; that is, assuming that cultural conservatism and social-sociologist economics can be *psychologically* combined (that is, that people can hold both of these views simultaneously without cognitive dissonance), can they also be effectively and practically (economically and praxeologically) combined? Is it possible to maintain the current level of economic socialism (social security, etc.) and reach the goal of restoring cultural normalcy (natural families and normal rules of conduct)?

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50 原注：弗朗西斯（Francis）《从家庭到国家（From Household to Nation）》第12-16页。

51 “民族社会主义”，national socialism，纳粹的全称。
Buchanan and his theoreticians do not feel the need to raise this question, because they believe politics to be solely a matter of will and power. They do not believe in such things as economic laws. If only people want something, and they are given the power to implement their will, everything can be achieved. The "dead Austrian economist" Ludwig von Mises, to whom Buchanan referred contemptuously during his campaign, characterized this belief as "historicism," the intellectual posture of the German Kathedersozialisten, the academic Socialists of the Chair, who justified any and all statist measures.

But historicist contempt and ignorance of economics does not alter the fact that inexorable economic laws exist. You cannot have your cake and eat it too, for instance. Or what you consume now cannot be consumed again in the future. Or producing more of one good requires producing less of another. No wishful thinking can make such laws go away. To believe otherwise can only result in practical failure. "In fact," noted Mises, "economic history is a long record of government policies that failed because they were designed with a bold disregard for the laws of economics."8 In light of elementary and immutable economic laws, the Buchananite

52 意思是布坎南初选失败，表明他的保守主义对大众的吸引力不足。
53 讲坛社会主义，socialism of the chair。德国新历史学派的社会福利政策论者所鼓吹的思想。该学派认为国家是超阶级的组织，能调和敌对阶级关系，主张在不废除资本主义制度的范围内，利用国家权力，通过社会政策、社会立法等等解决劳动问题、社会问题，逐步实行“社会主义”。当德国新自由主义者奥本海姆称他们为“讲坛社会主义者”（讽刺其仅在讲坛上说说而已）时，他们欣然接受了这一称号。讲坛社会主义的思想来源之一是拉萨尔和洛贝尔图斯的国家社会主义，其主张后来在俾斯麦国家社会主义的社会政策中得以体现，以后又成为纳粹思想体系的来源之一。代表人物是施莫勒。
program of social nationalism is just another bold but impossible dream. No wishful thinking can alter the fact that maintaining the core institutions of the present welfare state and wanting to return to traditional families, norms, conduct, and culture are incompatible goals. You can have one—socialism (welfare)—or the other—traditional morals—but you cannot have both, for social nationalist economics, the pillar of the current welfare state system Buchanan wants to leave untouched, is the very cause of cultural and social anomalies.

In order to clarify this, it is only necessary to recall one of the most fundamental laws of economics which says that all compulsory wealth or income redistribution, regardless of the criteria on which it is based, involves taking from some—the havers of something—and giving it to others—the non-havers of something. Accordingly, the incentive to be a haver is reduced, and the incentive to be a non-haver increased. What the haver has is characteristically something considered "good," and what the non-haver does not have is something "bad" or a deficiency. Indeed, this is the very idea underlying any redistribution: some have too much good stuff and others not enough. The result of every redistribution is that one will thereby produce less good and increasingly more bad, less perfection and more deficiencies. By subsidizing with tax funds (with funds taken from others) people who are poor (bad), more poverty will be created. By subsidizing unwed mothers (bad), there will be more unwed mothers and more illegitimate births, etc.54

54 原注：路德维希·冯·米塞斯 (Ludwig von Mises)《人的行动：经济学论文》，学者版 (Auburn, Ala:Ludwig von Mises Institute, 1998 年) 第 67 页。米塞斯直接给出意见：

君主和民众都迷信于权力，他们虽然不得不勉强承认他们受自然法则的支配，但他们却拒绝承认经济规律这一概念。他们不是最高立法者吗？他们不是有能力摧毁任何反对者吗？除非存在更强大的武力，没有一个军阀肯承认自己受到限制。奴性的人总能找到自慰的借口。有些人把他的一些断章取义的假设称为“历史主义的经济学”("historical economics")。
为了澄清这一点，我们只需要回顾一下一个最基本的经济规律，即所有强制性的财富或收入再分配，不管它基于何种标准，都涉及夺所有而予所无 (taking from some—the havers of something—and giving it to others—the non-havers of something)。因此，成为富有者 (haver) 的动机减少了，成为贫乏者 (non-haver) 的动机增加了。富有者所拥有的东西，通常被认为是“好东西”，而贫乏者所没有的东西则是“坏东西”或有问题的东西 (a deficiency)。实际上，任何再分配都蕴藏着这样一种观念：有人拥有太多好东西，而其他人不足。因此，每一次再分配的结果都是人们会减产好东西和增加更多坏的、不完美的和更有问题的东西。以税金（即夺自他人的资金）补贴贫穷的（坏）人，会制造更多贫困。补贴失业的（坏）人，会制造更多失业。补贴未婚（坏）妈妈，会有更多未婚妈妈和非婚生子出生，等等。55

Obviously, this basic insight applies to the entire system of so-called social security that has been implemented in Western Europe (from the 1880s onward) and the U.S. (since the 1930s): of compulsory government "insurance" against old age, illness, occupational injury, unemployment, indigence, etc. In conjunction with the even older compulsory system of public education, these institutions and practices amount to a massive attack on the institution of the family and personal responsibility. By relieving individuals of the obligation to provide for their own income, health, safety, old age, and children's education, the range and temporal horizon of private provision is reduced, and the value of marriage, family, children, and kinship relations is lowered. Irresponsibility, shortsightedness, negligence, illness and even destructionism (bads) are promoted, and responsibility, farsightedness, diligence, health and conservatism (goods) are punished. The compulsory old age insurance system in particular, by which retirees (the old) are subsidized from taxes imposed on current income earners (the young), has systematically weakened the natural intergenerational bond between parents, grandparents, and children. The old need no longer rely on the assistance of their children if they have made no provision for their own old age; and the young (with typically less accumulated wealth) must support the old (with typically more accumulated wealth) rather than the other way around, as is typical within families. Consequently, not only do people want to have fewer children—and indeed, birthrates have fallen in half since the onset of modern social security (welfare) policies—but also the respect which the young traditionally accorded to their elders is diminished, and all indicators of family disintegration and malfunctioning, such as rates of divorce, illegitimacy, child abuse, parent abuse, spouse abuse, single parenting, singledom, alternative lifestyles, and abortion, have increased.56

显然，这种基本洞见适用于整个所谓社会保障体系，该体系已经在西欧（自 1880 年代开始）和美国（自 1930 年代开始）实施：即政府对养老、疾病、工伤、失业、贫困等进行强制“保险”。连同甚至更古老的强制性的公共教育体系，这些机制与实践近乎是对家庭与个人责任机制的大规模攻击。通过解除个人为自己的收入、健康、安全、养老与子女教育提供保障的义务，私人供给的范围和时间缩短了，婚姻、家庭、子女和亲属关系的价值降低了。不负责任、短暂、玩忽、疾病甚至破坏主义（坏东西）受到了激励，而责任感、远见、尽职、健康和保守主义（好东西）受到了惩罚。尤其是强制养老保险，通过向当前挣薪者（年轻人）征税补贴退休者（老人），系统性地削弱了父母、祖父母与孩子之间的自然的代际纽带。即使老人没有为自己的晚年做好准备，他们也不再需要依靠子女的帮助；年轻人（通常财富积累较少）必须支持老人（通常财富积累较多），而非如家庭中通行的那样，正好反过来。因此，不仅人们不想要更多小孩——实际上，自从现代社会保障（福利）政策启动以来，生育率已经下降了——年轻人传统上对长辈的尊重也减少了，所有家庭解体和功能失调的指标，诸如离婚、非婚生子、虐待儿童、虐待父母、虐待配偶、单亲、独身、另类生活方式和堕胎的几率都增加了。

Moreover, with the socialization of the health care system through institutions such as Medicaid and Medicare and the regulation of the insurance industry (by restricting an insurer's right of refusal: to exclude any individual risk as uninsurable, and discriminate freely, according to actuarial methods, between different group risks) a monstrous machinery of wealth and income redistribution at the expense of responsible individuals and low-risk groups in favor of irresponsible actors and high-risk groups has been put in motion. Subsidies for the ill, unhealthy and disabled breed illness, disease, and disability and weaken the desire to work for a living and to lead healthy lives. One can do no better than quote the "dead Austrian economist" Ludwig von Mises once more:

此外，随着医疗保健系统的社会化，通过诸如医疗补助、医疗保险与（通过严格限制保险公司的拒绝权——不允许保险公司针对任何个人风险拒绝承保，不允许保险公司根据精算方法自由地区别对待不同风险组别）管制保险业等等机制，一个巨大的财富与收入的再分配机器已经投入运作，它以牺牲负责任的个人与低风险群体为代价，支持不负责任的行为人和高风险群体。对病人、不健康者和残疾人

being ill is not a phenomenon independent of conscious will. ... A man's efficiency is not merely a result of his physical condition; it depends largely on his mind and will. ... The destructionist aspect of accident and health insurance lies above all in the fact that such institutions promote accident and illness, hinder recovery, and very often create, or at any rate intensify and lengthen, the functional disorders which follow illness or accident. ... To feel healthy is quite different from being healthy in the medical sense. ... By weakening or completely destroying the will to be well and able to work, social insurance creates illness and inability to work; it produces the habit of complaining—which is in itself a neurosis—and neuroses of other kinds. As a social institution it makes a people sick bodily and mentally or at least helps to multiply, lengthen, and intensify disease. ... Social insurance has thus made the neurosis of the insured a dangerous public disease. Should the institution be extended and developed the disease will spread. No reform can be of any assistance. We cannot weaken or destroy the will to health without producing illness.1

I do not wish to explain here the economic nonsense of Buchanan's and his theoreticians' even further-reaching idea of protectionist policies (of protecting American wages). If they were right, their argument in favor of economic protection would amount to an indictment of all trade and a defense of the thesis that everyone (each family) would be better off if he (it) never traded with anyone else. Certainly, in
this case no one could ever lose his job, and unemployment due to "unfair" competition would be reduced to zero. Yet such a full-employment society would not be prosperous and strong; it would be composed of people (families) who, despite working from dawn to dusk, would be condemned to poverty and starvation.

Buchanan's international protectionism, while less destructive than a policy of interpersonal or interregional protectionism, would result in precisely the same effect. This is not conservatism (conservatives want families to be prosperous and strong). This is economic destructionism.

我不想在这里解释布坎南和他的理论家们更进一步（further-reaching）的关于保护主义政策（保护美国工资）的观念，为什么在经济学上是胡说八道。如果他们是是的，他们支持经济保护主义的观点就相当于对一切贸易的控诉，相当于捍卫这样一种观点：每个人（每个家庭）如果绝不与其他任何人交易，生活反而会更好。当然，在这种情况下，没有任何人会丢掉工作，由于“不公平”竞争导致的失业会减少为零。然而，这样一个充分就业社会是会繁荣和强大的；它会由那些尽管起早贪黑，但却注定要陷入贫困和饥饿的人（家庭）组成。布坎南的国际保护主义，尽管比人际保护主义或区域保护主义破坏性更小，但也会导致完全同样的结果。这不是保守主义（保守主义者希望家庭繁荣和强大）。这是经济破坏主义。

In any case, what should be clear by now is that most if not all of the moral degeneration and cultural rot—the signs of decivilization—all around us are the inescapable and unavoidable results of the welfare state and its core institutions. Classical, old-style conservatives knew this, and they vigorously opposed public education and social security. They knew that states everywhere were intent upon breaking down and ultimately destroying families and the institutions and layers and hierarchies of authority that are the natural outgrowth of family based communities in order to increase and strengthen their own power. They knew that in order to do so states would have to take advantage of the natural rebellion of the adolescent (juvenile) against parental authority. And they knew that socialized education and socialized responsibility were the means of bringing about this goal. Social education and social security provide an opening for the rebellious youth to escape parental authority (to get away with continuous misbehavior). Old conservatives knew that these policies would emancipate the individual from the discipline imposed by family and community life only to subject it instead to the direct and immediate control of the state. Furthermore, they knew, or at least had a hunch, that this would lead to a systematic infantilization of society—a regression, emotionally and mentally, from adulthood to adolescence or childhood.

93 原注：见穆瑞·罗斯巴德（Murray N. Rothbard）X保护主义危险的胡说八道（The Dangerous Nonsense of Protectionism）》（Auburn, Ala.: Ludwig von Mises Institute, 1988）；另见上文第 8 章。
无论如何，现在都应该清楚的是，我们周围大部分（如果不是全部的话）道德沦丧和文化腐朽——反文明的标志——是福利国家及其核心机制不可逃脱和不可避免的结果。古典的，老派的保守主义者明白这一点，他们拼命反对公共教育和社会保障。他们明白国家为了加强自己的权力，处处试图破坏和最终摧毁家庭，破坏和最终摧毁从社群的家庭中自然生成的权威机制、层级和等级。他们还明白，将教育和个人责任社会化是实现这一目标的手段。社会化教育和社会保障为叛逆的年轻人逃脱父母的权威（逃脱对自己不当行为的惩罚）打开了大门。老派的保守主义者明白，这些政策将使个人摆脱家庭与社区生活施加给他们的纪律约束，并只会代之以让个人臣服于政府立即而直接的控制。此外，他们明白，或至少有一种预感，这会导致社会系统性地幼稚化（infantilization）——一种从成年人的情感和心态到青少年或孩子的情感和心态的退步。

In contrast, Buchanan's populist-proletarian conservatism—social nationalism—shows complete ignorance of all of this. Combining cultural conservatism and welfare-statism is impossible, and hence, economic nonsense. Welfare-statism—social security in any way, shape or form—breeds moral and cultural rot and degeneration. Thus, if one is indeed concerned about America's moral decay and wants to restore normalcy to society and culture, one must oppose all aspects of the modern social-welfare state. A return to normalcy requires no less than the complete elimination of the present social security system: of unemployment insurance, social security, medicare, medicaid, public education, etc.—and thus the near complete dissolution and deconstruction of the current state apparatus and government power. If one is ever to restore normalcy, government funds and power must dwindle to or even fall below their nineteenth century levels. Hence, true conservatives must be hard-line libertarians (antistatists). Buchanan's conservatism is false: it wants a return

【原注】“从保守主义的角度看，”罗伯特·尼斯贝特（Robert Nisbet）写道，“社会秩序中中间社团的废除或锐减一方面意味着原子化大众的产生，另一方面意味着政治权力形式的日益集中”（《保守主义》第 100 页）。尼斯贝特在其他地方解释道（引自波拉德[Pollard]对沃尔西[Wolsey]的研究）。


与此对比鲜明的是，现代国家是一元化的；其直接延伸到边界内所有个体。所谓外交豁免权只是一个更大的普涉及大规模国内宗教、经济和裙带权威的复合豁免权的终极表现形式。为了行政目的，国家可以部署到省、部、区或“州”，正如将军队分为团和营一样。但是，像军队一样，现代国家也是建立在残存的权力一统之上……当代国家中这种非比寻常的关系统一，加上有能职能的大量累积，便控制国家成为现代权力斗争最令人激动的单一目标或战利品。经济集团和其他利益集团的目标越发是直接夺取或指挥政治权力本身，而非维系来自国家的豁免权。（同上，第 103 页）

【原注】关于此处公共教育的作用，特别参见穆瑞·罗斯巴德《教育，免费与强制：个人教育（Education, Free and Compulsory: The Individual’s Education）》 (Wichita, Kans.: Center for Independent Education, 1972)。
to traditional morality but at the same time advocates keeping the very institutions in place that are responsible for the perversion and destruction of traditional morals.

相比之下，布坎南的民粹-无产者式的保守主义——社会民族主义——对这一切都显示出彻底的无知。文化民族主义与福利国家主义的结合是不可能的，因此，在经济学上是胡说八道。福利国家主义——任何形式的社会保障——都会滋生道德沦丧与文化腐朽。因此，如果人们真正关心美国的道德堕落和想恢复社会与文化的常态，就必须反对现代福利国家的所有表现。要恢复常态，就必须彻底废除当前的社会保障体系——社会保险、社会保障、医疗保障、医疗救助、公共教育等等——从而几乎彻底解除和解构当前国家机器和政府权力。如果人们要恢复常态，政府资金和权力必须被减至甚至低于十九世纪的水平。因此，真正的保守主义者必定是强硬的自由意志主义者（反国家主义者）。布坎南的保守主义是错误的：它想恢复传统道德，但是同时又主张保持对传统道德之扭曲与破坏负有责任的制度。

III 自由意志主义与保守主义的关键交集

Most contemporary conservatives, then, especially among the media darlings, are not conservatives but socialists—either of the internationalist sort (the new and neoconservative warfare-welfare statists and global social democrats) or of the nationalist variety (the Buchananite populists). Genuine conservatives must be opposed to both. In order to restore social and cultural normalcy, true conservatives can only be radical libertarians, and they must demand the demolition—as a moral and economic perversion—of the entire structure of social security. If conservatives must be libertarians, why must libertarians be conservatives? If conservatives must learn from libertarians, must libertarians also learn from conservatives?

那么，大多数当代保守主义者，尤其是媒体宠儿，并不是保守主义者，而是社会主义者——要么是国际主义品种的社会主义者（新保守派的战争-福利国家主义者和全球化社会民主主义者），要么是民族主义的变种（布坎南式民粹主义）。真正的保守主义者必须一并反对这两种人。为了恢复社会与文化常态，真正的保守主义者只能是激进的自由意志主义者，他们必须要求拆除颠覆道德与经济的整个社会保障机制。如果保守主义者必须是自由意志主义者，那么为什么自由意志主义者也必须是保守主义者呢？如果保守主义者必须向自由意志主义者学习，自由意志主义者是否也必须向保守主义者学习呢？
First, a few terminological clarifications are in order. The term libertarianism, as employed here, is a twentieth-century phenomenon, or more accurately, a post-World War II phenomenon, with intellectual roots in both classical (eighteenth and nineteenth) century—liberalism and even older natural law philosophy. It is a product of modern (enlightenment) rationalism. Culminating in the work of Murray N. Rothbard, the fountainhead of the modern libertarian movement, and in particular his Ethics of Liberty, libertarianism is a rational system of ethics (law). Working within the tradition of classical political philosophy—of Hobbes, Grotius, Pufendorf, Locke, and Spencer—and employing the same ancient analytical (conceptual) tools and logical apparatus as they do, libertarianism (Rothbardianism) is a systematic law code, derived by means of logical deduction from a single principle, the validity of which (and this is what makes it an ultimate principle, i.e., an ethical axiom, and the libertarian law code an axiomatic-deductive theory of justice) cannot be disputed without falling prey to logical-practical (praxeological) or performative contradictions (that is, without implicitly affirming what one explicitly denies). This axiom is the ancient principle of original appropriation: Ownership of scarce resources—the right of an exclusive control over scarce resources (private property)—is acquired through an act of original appropriation (by which resources are taken out of a state of nature and put into a state of civilization). If this were not so, no one could ever begin to act (do or propose anything); hence, any other principle is praxeologically impossible (and argumentatively indefensible). From the principle of original appropriation—the first-use-first-own principle—rules concerning the transformation and the transfer (exchange) of originally appropriated resources are derived, and all of ethics (law), including the principles of punishment, is then reconstructed in terms of a theory of property rights: all human rights are property rights, and all human rights violations are property rights violations. The upshot of this libertarian theory of justice is well-known in these circles: the state, according to the most influential strand of libertarian theory, the Rothbardian one, is an outlaw organization, and the only social order that is just is a system of private property anarchy.

首先，要澄清一些术语。“自由意志主义（libertarianism）”一词用在此处，指的是二十世纪的现象，或者更确切地说，是一种二战后现象，它同时拥有（十八和十九世纪）古典自由主义和更加古老的自然法哲学的知识渊源。它是现代（启蒙运动）理性主义的产物。自由意志主义是一种理性的伦理（法律）体系，它的顶点是穆瑞·N·罗斯巴德（他是现代自由意志主义运动的源头）的著作。
尤其是他的《自由的伦理》。自由意志主义（罗斯巴德主义）的研究范围没有脱离霍布斯（Hobbes）、格劳秀斯（Grotius）、普芬道夫（Pufendorf）、洛克（Locke）和斯宾塞（Spencer）的古典政治哲学传统，使用与他们相同的古老的分析（概念化）工具和逻辑工具，它是一种系统性的法律规范，这种规范产生于从某单一原则开始的逻辑演绎。除非陷入逻辑-实践矛盾（logical-practical contradictions）（行为矛盾[praxeological contradictions]）或言词冲突（performative contradictions）（也就是说，不含蓄地肯定某人明确否定之事），否则该原则的有效性无法被驳倒（这也使得它成为一个终极原则，即伦理学公理，也使得自由意志主义法律规范成为一个关于正义的公理演绎理论）。这个公理是古老的先占原则：稀缺资源的所有权——对稀缺资源（私有财产）的排他性控制权利——得自先占行动（通过该行动，自然资源从自然状态中被提取出来，置入文明状态中）。如果不是这样，甚至没有人能够行动（去做任何事或者提出任何主张）；因此，任何其他原则在行动学意义上都是不可能的（以及在论辩意义上是无法辩护的）。从先占原则——先用先得原则（the first-use-first-own principle）——出发，与原始先占资源之转移（交换）和转换有关的规则诞生了，那么，一切伦理（法律），包括惩处原则，也被重构为财产权理论的术语：所有人权都是财产权，所有对人权的侵犯都是对财产权的侵犯。这一正义理论之结论在自由意志主义圈子里人尽皆知：根据自由意志主义理论最有影响力的分支，罗斯巴德主义的意见，国家是非法组织，唯一公正的社会秩序是无政府私有财产体系。

I do not want to further analyze or defend the libertarian theory of justice at this point. Let me only confess that I believe the theory to be true, indeed to be irrefutably true. Rather, I want to turn to the question of the relationship between libertarianism and conservatism (the belief in a natural social order based and centered on families). Some superficial commentators, mostly from the conservative side, such as Russell Kirk, have characterized libertarianism and conservatism as incompatible, hostile, or even antagonistic ideologies. In fact, this view is entirely mistaken. The relationship between libertarianism and conservatism is one of praxeological compatibility, sociological complementarity, and reciprocal reinforcement.

在这一点上，我不想进一步分析或捍卫自由意志主义的正义理论。我只坦白说，我确信这一理论是真理，事实上，我确信它是无可辩驳的真理。相反，我想转到自由意志主义与（相信自然的社会秩序


注 54 见罗斯巴德《自由的伦理 (The Ethics of Liberty)》；汉斯·赫尔曼·霍普， 《私有财产的经济学与伦理学 (The Economics and Ethics of Private Property)》 (Boston: Kluwer, 1993)。简言之，我们提出两项核心论证来捍卫这一主张。第一个，最初由罗斯巴德概述，它通过一种反证法 (argumentum contrario) 进行。如果与首次或原始占有的原则相反，A 不被认为是其明显（可表明的，且主体间可确定的）占有的身体之所有者，以及以他的身体原初（在其他人之前）占有的站立空间和场所的所有者，那么只存在两种替代安排。要么另一个后来者 B 必须被认为是 A 的身体和最初由 A 占有的
地的所有者，或者 A 和 B 必须被认为是所有身体和地方的平等的共同所有者（第三种可能的选择，即任何人都不应拥有任何身体和最初占用的地方，可以被排除为不可能。行动要求身体和站立的空间，我们不能不行动；因此。采用这种替代方案意味着全人类的瞬间死亡。）在第一种情况下，A 将被降为 B 的奴隶和剥削对象。B 是原来由 A 占有的身体和场所的所有者，但 A 又不是 B 占有的身体和场所的所有者。根据这项裁决，就构成了两个绝对不同的等级：奴隶或非人（Untermenschen），如 A；和主人或超人（Ubermenschen），如 B；各自适用不同的“法律”。因此，虽然这样的规则肯定是可能的，它必须从一开始就被抛弃，因为一种人类伦理平等而普遍地适用于身为人类（理性动物）的每个人。因为一项规则要想达到法律——正义规则——的地位，就必须平等和普遍地适用于每个人。我们讨论的规则显然不符合这一普遍性要求。或者，第二种普遍平等共有的情况。显然满足了普遍化的要求。然而，这种替代方法还有另一个更严重的缺陷，因为如果采用这种方法，全人类都将立即灭亡，因为人的每一个行动都需要使用稀缺的手段（至少是他的身体和站立的空间）。但是，如果所有财富都归所有人所有，那么任何人任何时候或地点都不允许做任何事情，除非他事先征得他人的同意。然而，如果一个人不是他自己的身体（包括声带的）的唯一拥有者，他怎么能给予这样的同意呢？事实上，他首先需要别人的同意才能被允许表达自己的同意，但是这些人在没有他的同意的情况下不能给予他们的同意，等等。因此，只剩下第一种选择，即先占原则。它符合普遍化的要求，在行动学意义上是可能的。

第二种论证，由本文作者首次提出，并得出基本相同的结论。他提出一种“不可能定理（impossibility theorem）”的形式。该定理的出发点是对伦理问题之必要条件——可能性条件（德语：Bedingungen der Möglichkeit）——的逻辑重构和对伦理学宗旨的精确定义和界定。首先，要产生伦理问题，必须存在（或必须至少是可能存在）不同的独立的当事人；继而，冲突只会在有关稀缺手段或“经济”财货中才产生。冲突既不可能涉及过剩的或“免费”的财货，如正常情况下我们呼吸的空气，也不可能涉及稀缺但无法占有的财货——如太阳或云彩，即人类行动的“条件”，而非“手段”。冲突可能只在涉及可以控制的（“可占用的”）手段时发生，例如与太阳和/或云彩相对的、处于特定的时空关系中的特定土地、树木或洞穴等等。因此，伦理学的任务是提出关于“适当”与“不适当”地使用稀缺手段的规则。也就是说，伦理学关心对稀缺财货，亦即财产权利的排他权的安排，以排除冲突。然而，冲突并不是伦理学问题的充分先决条件，例如，一个人也不可能与大猩猩或蚊子发生冲突。但是这种冲突不会引起伦理问题。大猩猩和蚊子只是一个技术问题。我们必须学会如何成功地管理和控制大猩猩和蚊子的活动，就像我们必须学会管理和控制我们环境中的无生命体一样。只有当冲突双方都能进行命题交换，即论证时，人才能谈论伦理问题，也就是说，只有大猩猩或/及蚊子原则上能够在它们冲突的活动中停下来，并表达“是”或“否”，即提出一个论点，人们才欠它们一个答案。“不可能定理”从该命题出发，首先阐明了它的公理地位。任何人都不能否认，如果不陷入践言冲突（performative contradictions），参与命题交换的能力所表现出的共同理性构成了伦理问题的必要条件，因为这种否认本身必须以命题的形式出现。即使这尽管存在伦理问题，但否认有任何有效答案的伦理学相对主义者，也不否认这一命题的有效性（因此也被称之为“先验论辩”）。第二，我们指出，一切作为论证前提的东西，如果不能排除践言冲突就不能反过来受到论证性反驳；而且在这方面中，不仅存在逻辑前提，诸如命题的逻辑规则（例如，同一性法则），也存在行动学前提。论证不仅仅是无根浮萍式的命题，它还涉及至少两个论辩者——支持方和反对方，亦即，论证是人的行动的子集。第三，那么，这就表明，正反双方对先占原则的相互承认构成了伦理的行动学前提。除非人们提议自己及对手对他们占有的“自己所有”的身体（大脑、声带等等）拥有排他控制权，并假定这种权利是有效的，否则没有人能够提出任何命题，也无法期望其反对者说服他自己相信或否认该命题的有效性并提出其他命题。最后，如果对先占原则的承认构成了论证的行为学前提，那么就不可能在不陷入践言冲突的情况下，为任何其他伦理原则提供命题上的正当理由。

注：见罗素·柯克 (Russell Kirk) 《保守主义思想 (The Conservative Mind) 》 (Chicago: Regnery, 1953)；同上《保守主义纲领 (A Program for Conservatives) 》 (Chicago: Regnery, 1955)。
In order to explain this, let me first point out that most, though not all, leading libertarian thinkers were, as a matter of empirical fact, socialcultural conservatives: defenders of traditional, bourgeois morals and manners. Most notably, Murray Rothbard, the single most important and influential libertarian thinker, was an outspoken cultural conservative. So was Rothbard's most important teacher, Ludwig von Mises. (Ayn Rand, another major influence on contemporary libertarianism, is a different matter, of course.) While this does not prove much (it does prove only that libertarianism and conservatism can be psychologically reconciled), it is indicative of a substantive affinity between the two doctrines. It is not difficult to recognize that the conservative and the libertarian views of society are perfectly compatible (congruent). To be sure, their methods are distinctly different. One is (or appears to be) empiristic, sociological, and descriptive, and the other rationalistic, philosophical, logical, and constructivist. This difference notwithstanding, both agree in one fundamental respect, however. Conservatives are convinced that the "natural" and "normal" is old and widespread (and thus can be discerned always and everywhere). Similarly, libertarians are convinced that the principles of justice are eternally and universally valid (and hence, must have been essentially known to mankind since its very beginnings). That is, the libertarian ethic is not new and revolutionary, but old and conservative. Even primitives and children are capable of grasping the validity of the principle of original appropriation, and most people usually recognize it as an unquestionable matter of fact.

为了解释这一点，让我首先指出一个经验事实，大多数——尽管不是全部——主要的自由主义思想家，都是社会文化保守主义者：传统的、资产阶级的道德和礼法的护卫者。最为著名的是，穆瑞·罗斯巴德——最重要和最具有影响力的一个自由意志主义思想家——就是一位公开自承的文化保守主义者。罗斯巴德最重要的老师，路德维希·冯·米塞斯也是。（当然，安·兰德[Ayn Rand]，当代自由意志主义中另一个主要的有影响的人，是另一回事。）尽管这不能证明什么（只能证明自由意志主义与保守主义在心理学意义上可以调和），但它表明两种学说之间存在实质性的亲缘关系。我们不难认

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65 原注：关于罗斯巴德其人，见《纪念穆瑞·N·罗斯巴德 (Murray N. Rothbard: In Memoriam)》，小卢埃林 H·罗克韦尔 (Llewellyn H. Rockwell Jr.) 主编 (Auburn, Ala.: Ludwig von Mises Institute, 1995)，特别是约瑟夫·T·萨勒诺 (Joseph T. Salerno) 的分享；关于米塞斯其人，见穆瑞·N·罗斯巴德《路德维希·冯·米塞斯：学者，创造者，英雄 (Ludwig von Mises: Scholar, Creator, Hero)》(Auburn, Ala.: Ludwig von Mises Institute, 1988)；杰弗瑞·A·塔克 (Jeffrey A. Tucker) 和小卢埃林 H·罗克韦尔 (Llewellyn H. Rockwell Jr.)《路德维希·冯·米塞斯的文化思想 (The Cultural Thought of Ludwig von Mises)》，载于《自由意志主义研究期刊 (Journal of Libertarian Studies)》第 10 卷第 1 期 (1991 年)；关于安·兰德其人，见图塞尔《通常从安·兰德特开始 (It Usually Begins with Ayn Rand)》；穆瑞·N·罗斯巴德《安·兰德邪教的社会学 (The Sociology of the Ayn Rand Cult)》(Burlingame, Calif.: Center for Libertarian Studies, 1990), 以及来自安·兰德派一方的芭芭拉·布兰登 (Barbara Branden) 的《安·兰德的激情 (The Passion of Ayn Rand)》(Garden City, N.Y.: Doubleday, 1986)。
认识到，保守主义者和自由意志主义者所关注和社会是完全兼容的（一致的）。诚然，二者的方法截然不同。前者是（或看上去是）经验主义的，社会学的和说明性的，而后者是理性主义的、哲学的、逻辑的和建构主义的。尽管存在这种不同，然而，在某个根本性的方面，二者意见一致。保守主义者深信“自然的”和“正常的”东西是古老而广泛的（因此可以随时随地辨认出来）。同样的，自由意志主义者深信正义原则具有永恒和普遍的有效性（因此，人类自其诞生之日起就基本上对此有所知晓）。也就是说，自由意志伦理不是新的和革命性的，而是古老的和保守主义的。甚至先民（primitives）和孩子都能够领会先占原则的有效性，大部分人通常都将该原则视为不容置疑的事实。

Moreover, as far as the object on which conservatives and libertarians focus is concerned—on the one hand families, kinship relations, communities, authority and social hierarchy, and on the other hand property and its appropriation, transformation and transfer—it should be clear that while they do not refer to identical entities, they still speak about different aspects of one and the same object: human actors and social cooperation. Extensively, that is, their realm of inquiry (frame of reference) is identical. Families, authority, communities, and social ranks are the empirical-sociological concretization of the abstract philosophical-praxeological categories and concepts of property, production, exchange, and contract. Property and property relations do not exist apart from families and kinship relations. The latter shape and determine the specific form and configuration of property and property relations, while they are at the same time constrained by the universal and eternal laws of scarcity and property. In fact, as we have already seen, families considered normal by conservative standards are household families, and the family disintegration and moral and cultural decay which contemporary conservatives deplore is largely the result of the erosion and destruction of households (estates) as the economic basis of families by the modern welfare state. Thus, the libertarian theory of justice can actually provide conservatism with a more precise definition and a more rigorous moral defense of its own end (the return to civilization in the form of moral and cultural normalcy) than conservatism itself could ever offer. In doing so it can further sharpen and strengthen conservatism's traditional antistatist outlook.20

此外，就保守主义者和自由意志主义者所集中关心的主题——一方面是家庭、亲属关系、共同体、权威和社会等级，另一方面是财产及其占有、转化和转移——而言，应该弄清楚，尽管他们并非指向同样的实体，但是他们仍然在谈论同一个或者类似主题——行动者和社会合作——的不同方面。广泛地说，那就是他们的探究领域（偏好框架）是相同的。家庭、权威、共同体和社会序列，是关于财产、生产、交换与合约的抽象的哲学-行动学范畴与概念的经验-社会学的具象化。财产和资产关系不会脱离家庭和亲属关系而存在。后者形塑和决定财产与财产关系的具体形式和配置，而同时，它们也受普遍和永恒的稀缺与财产规律的约束。事实上，正如我们已经看到的那样，按保守主义标准被认为正常的家庭是拓殖家庭（household families），当代保守主义者所痛惜的家庭解体与道德文化沦丧，很大程度上是作为家庭经济轴心的家产（不动产）被现代福利国家侵蚀和破坏的结果。因此，自由意志
While the intellectual creators of modern libertarianism were cultural conservatives, and while the libertarian doctrine is fully compatible and congruent with the conservative worldview (and does not, as some conservative critics claim, entail an "atomistic individualism" and "acquisitive egoism"), corrupted by the modern welfare state the libertarian movement has undergone a significant transformation. To a large extent (and completely so in the eyes of the media and the public), it has become a movement that combines radical antistatism and market economics with cultural leftism, counter and multiculturalism, and personal hedonism; that is, it is the exact opposite of the Buchananite program of culturally conservative socialism: countercultural capitalism.

Earlier it was noted that the Buchananite program of social(ist) nationalism does not seem to have much mass appeal, at least not in the United States. This is true to an even larger extent for the libertarian attempt to...

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synthesize market economics with counter- and multiculturalism. Yet as was the case with conservatism before, in this case, too, my central concern is not about mass appeal and whether or not certain ideas can be psychologically combined and integrated, but whether or not these ideas can be combined practically and effectively. It is my plan to show that they cannot, and that much of contemporary libertarianism is false, counterproductive libertarianism (much like Buchanan's conservatism is false and counterproductive).

此前已经指出，布坎南的社会（主义）式民族主义纲领似乎没有多少吸引力，至少在美国没有。甚至在更大程度上，自由意志主义者试图将市场经济与反主流文化和多元文化主义综合起来的努力，更加没有吸引力。然而，正如此前对待保守主义一样，在此情形下，我关注的核心问题也并非对大众的吸引力，以及某些特定的思想是否能在心理学意义上联系并整合起来，而只关心这些观念是否能在实践中有效地结合。我的计划是表明这种做法行不通，以及表明当代自由意志主义大部分是错误的、适得其反（counterproductive）的自由意志主义（正如布坎南的保守主义是错误的和适得其反的一样）。

That much of modern libertarianism is culturally leftist is not due to any such leanings among the major libertarian theoreticians. As noted, they were for the most part cultural conservatives. Rather, it was the result of a superficial understanding of the libertarian doctrine by many of its fans and followers, and this ignorance has its explanation in a historical coincidence and the mentioned tendency, inherent in the social-democratic welfare state, of promoting a process of intellectual and emotional infantilization (decivilization of society).

大部分现代自由意志主义者成为文化左翼主义者，并非由于主要的自由意志主义理论家如此教导。如前所述，这些理论家大部分都是文化保守主义者。相反，这是自由意志主义学说的许多粉丝和追随者肤浅理解的结果，而这种无知可以用历史的巧合和上文提到的趋势来解释。那些趋势是社会民主主义福利国家的内在趋势，它推进了智识与情感巨婴化（反文明社会）的进程。

The beginnings of the modern libertarian movement in the United States go back to the mid-1960s. In 1971 the Libertarian party was founded, and in 1972 the philosopher John Hospers was nominated as its first presidential candidate. It was the time of the Vietnam War. Simultaneously, promoted by the major "advances" in the growth of the welfare state from the early and mid-1960s onward in the United States and similarly in Western Europe (the so-called civil rights legislation and the war on poverty), a new mass-phenomenon emerged. A new "Lumpenproletariat" of intellectuals and intellectualized youths—the products of an ever expanding system of socialist (public) education—"alienated" from mainstream "bourgeois" morals and culture (while living far more comfortably than the Lumpenproletariat of old off the wealth created by this mainstream culture) arose. Multiculturalism and cultural relativism (live and let live) and egalitarian antiauthoritarianism (respect no authority) were elevated from temporary and transitory
phases in mental development (adolescence) to permanent attitudes among grown-up intellectuals and their students.

The principled opposition of the libertarians to the Vietnam War coincided with the somewhat diffuse opposition to the war by the New Left. In addition, the anarchistic upshot of the libertarian doctrine appealed to the countercultural left. For did not the illegitimacy of the state and the nonaggression axiom (that one shall not initiate or threaten to initiate physical force against others and their property) imply that everyone was at liberty to choose his very own nonaggressive lifestyle? Did this not imply that vulgarity, obscenity, profanity, drug use, promiscuity, pornography, prostitution, homosexuality, polygamy, pedophilia or any other conceivable perversity or abnormality, insofar as they were victimless crimes, were no offenses at all but perfectly normal and legitimate activities and lifestyles? Not surprisingly, then, from the outset the libertarian movement attracted an unusually high number of abnormal and perverse followers. Subsequently, the countercultural ambiance and multicultural-relativistic "tolerance" of the libertarian movement attracted even greater numbers of misfits, personal or professional failures, or plain losers. Murray Rothbard, in disgust, called them the "nihilo-libertarians" and identified them as the "modal" (typical and representative) libertarians. They fantasized of a society where everyone would be free to choose and cultivate whatever nonaggressive lifestyle, career, or character he wanted, and where, as a result of free-market economics, everyone could do so on an elevated level of general prosperity. Ironically, the movement that had set out to dismantle the state and restore private property and market economics was largely appropriated, and its

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67 约翰·霍斯珀斯（1918 年 6 月 9 日 -2011 年 6 月 12 日），美国哲学家和政治活动家。霍斯珀斯对客观主义很感兴趣，曾经是哲学家安·兰德的朋友，尽管她后来与他分手了。1972 年，霍斯珀斯成为自由党第一位总统候选人，也是当年美国总统选举中唯一获得选民票的小党候选人。
appearance shaped, by the mental and emotional products of the welfare state: the new class of permanent adolescents. 68

自由意志主义原则性反对越战的同时，新左派在某种程度上也扩展了这种对战争的反对。此外，自由意志主义学说的无政府结论也吸引了左翼反主流文化主义者。68 “国家是非法的” 与 “不侵犯公理”（人们不能对他及其财产发动或威胁发动武力），难道不意味着每个人都有选择其自身的非侵犯性生活方式的自由吗？难道这不意味着粗鄙、下流、恶神、吸毒、滥交、色情、卖淫、同性恋、一夫多妻、恋童癖或其他任何可以想像的变态或异常行为，既然是 “无受害者犯罪”，那么它们根本不是任何侵犯而完全是正常与合法的活动和生活方式？因此毫不奇怪，从一开始，自由意志主义运动就吸引了异常多的反常和变态的追随者。随后，自由意志主义运动中的反主流文化的氛围和对多元文化主义一文化相对主义的 “容忍”，吸引了数量更多的怪人、个人与职业的失败者或绝对的卢瑟 (losers)。穆瑞·罗斯巴德厌恶地称他们为 “虚无的自由意志主义者 (nihilo-libertarians)” 并认为他们是 “模态 (modal) （典型的，有代表性的）” 自由意志主义。他们幻想这么一个社会，在这个社会中，每个人都可以自由选择和培育任何一种他想要的非侵犯性的生活方式，职业生涯或性格特质；由于自由市场经济，在高度发达的普遍繁荣状态下，每个人都可以这么做。讽刺的是，这项旨在废除国家和恢复
This intellectual combination could hardly end happily. Private property capitalism and egalitarian multiculturalism are as unlikely a combination as socialism and cultural conservatism. And in trying to combine what cannot be combined, much of the modern libertarian movement actually contributed to the further erosion of private property rights (just as much of contemporary conservatism contributed to the erosion of families and traditional morals). What the countercultural libertarians failed to recognize, and what true libertarians cannot emphasize enough, is that the restoration of private property rights and laissez-faire economics implies a sharp and drastic increase in social "discrimination" and will swiftly eliminate most if

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69 原注：穆瑞・N・罗斯巴德对“模态自由意志主义者”（ML）作了如下描述:
ML 确实是这么一个“他”：……二十年前，ML 才二十多岁，现在已经四十多岁了。既不像听起来那么平庸，也不那么温良，因为这意味着二十年间运动没有真正成长……这个 ML 相当激进，对自由意志主义理论有相当深的研究。但他对历史、文化、现实背景或世界事务一无所知，更不在乎。他唯一的阅读或文化知识是科幻小说，……不幸的是，ML 并不讨厌国家，因为他视之为对人身和财产进行有组织侵略的独特社会工具。相反，ML 是一个青春期的叛逆者，反对他周围的人：首先反对他的父母，其次反对他的家庭，最后是反对社会本身。他尤其反对社会和文化权威机制：特别是反对他所出身的资产阶级，反对资产阶级的规范和惯例，以及反对诸如教堂这样的社会组织。那么，对 ML 来说，国家并不是一个独特的问题；它只是许多被憎恨的资产阶级机构中最明显和最可恶的一个：因此，ML 热衷于按下“质疑权威”这个按钮……也因此，ML 对基督教有着狂热的敌意。我常常认为，这种好战的无神论只是兰德主义——大多数现代自由意志主义者都是二十年前从兰德主义者中产生的——的一个功能。但是，无神论并非关键，因为让某人在一个自由意志主义者聚会上宣布他或她是一个女巫或招魂者（crystal power），或者说些什么新时代的胡言乱语，这个人会获得极大的宽容和尊敬。只有基督徒会被恶语相待，很明显，二者待遇不同的原因与无神论无关。但它与拒绝和唾弃美国文化有很大关系：为了拧住被憎恨的资产阶级的鼻子，任何一种古怪的文化理论都会受到鼓励——基于这一事实，最初吸引 ML 导向兰德主义的是其青春期叛逆；与那些被认为是在资产阶级世界中人的机械呆板的“二传手”相比，要合理化、系统性地拒绝父母、家庭和邻居，还有什么好过加入谴责宗教，并大肆宣扬自己及其领袖绝对至上的邪教的方法？更进一步说，这是一个要你抛弃父母、家庭和资产阶级同伴，并培养你自己所谓的伟大的自我（当然，是在兰德主义领袖的适当指导下）……如果 ML 有一个真实的职业，比如会计或律师，通常他也是一个没有执业的律师，没有工作的会计。ML 最常见的职业是计算机程序……计算机确实对 ML 的科学与理论天赋有吸引力；但也对其严重的游牧习性，对其不固定工作或固定住所的需求有新引力……ML 有热衷分子的千里凝视。他一有机会就扣住你的脖子，大肆抢夺他的特别“伟大发现”，说他那么非凡的结合，如果不是被当局压制，就一定会出版……但首先，ML 是......
not all of the multicultural-egalitarian life style experiments so close to the heart of left libertarians. In other words, libertarians must be radical and uncompromising conservatives.

Contrary to the left libertarians assembled around such institutions as the Cato Institute and the Institute for Justice, for instance, who seek the assistance of the central government in the enforcement of various policies of nondiscrimination and call for a nondiscriminatory or "free" immigration policy, true libertarians must embrace discrimination, be it internal (domestic) or external (foreign). Indeed, private property means discrimination. I, not you, own such and such. I am entitled to exclude you from my property. I may attach conditions to your using my property, and I may expel you from my property. Moreover, You and I, private property owners, may enter and put our property into a restrictive (or protective) covenant. We and others may, if we both deem it beneficial, impose limitations on the future use that each of us is permitted to make with our property.

聚集在诸如卡托研究所（the Cato Institute）和正义研究所（the Institute for Justice）这类机构的左翼自由意志主义者，寻求中央政府援手实施不同的反歧视政策（policies of nondiscrimination），呼吁无歧视的或“自由”的移民政策。与此相反，真正的自由意志主义者必定拥护歧视，无论对内（本国）还
The modern welfare state has largely stripped private property owners of the right to exclusion im-
4p. 16, reference below; my emphasis]
private property owners are not permitted to enter in whatever restrictive
covenant they believe to be mutually beneficial. The state has thus robbed the people of much of their personal
concept of private property. Discrimination is outlawed. Employers cannot hire whom they want. Landlords
cannot rent to whom they want. Sellers cannot sell to whomever they wish. 

The Limits of Federalism

LLs 确实很平等主义地关切下面这种崇高但难以琢磨的观念： “将 尊严（而非财产权利）逐步扩展” 至 “女性、不同宗教与种族的人民” [David Boaz, p. 16, reference below; my emphasis]，误导他们接受 “非歧视” 原则，即使它仅仅适用并限于公共财产和公有制经济部门。（因此，LLs 主张非歧视的或 “自由” 的移民政策。）理论上，LLs 承认有关公共财产的错误，仿佛它要么是向无限制的普遍拓殖 (homesteading) 行动开放的无主 “领地” （而事实上，所有公共财产都是国内纳税人的钱支持的），或者仿佛它是在一个等同的基准上向每一个国内公民开放的 “公用 (communal)” 财产（而事实上，有些公民比其他人缴了更多税，而有些人，比如说 那些由税金支付薪水和补贴的人，根本没有缴税）。更糟糕的是，因为接受了公共财产领域的非歧视原则，LLs 事实上有助于国家权力进一步增强和私有财产权的缩小，因为在当今这个饱受国家之苦的世界中，私有与公共的分界线变得越来越模糊。所有私产都与公共街道接壤和被公共街道环绕；几乎每一个企业都向某些政府机构，或者跨越国境出售其产品，无数私人企业和组织（例如私立大学）经常接受政府资金。因此，从国家机构的角度看，实际上不存在什么真正 “私有” 因而不落入政府管辖范围内的东西。基于国家和公共财产对私人企业和私有财产的这种无孔不入的纠缠，且鉴于政府独一无二的——胁迫性的——议价权力，可以肯定地预测，长期来看，“非歧视” 政策不会仅限于 公共政策原则，相反，会越来越成为总体的、终极的普遍原则，延伸并囊括所有人和所有事，无论是公共的还是私人的。（很典型的是，LLs 通常也支持米尔顿·弗里德曼 [Milton Friedman] 的教育券提案，因而，看上去是完全没有意识到，教育券计划的实施会不可避免地导致政府控制权从公立学校扩展到私立学校，并破坏私立学校现有的自主决策权。）

左翼自由意志主义思想的代表性例子，见克林特·伯利克 [Clint Bolick] 的《草根暴政：联邦主义的局限 (Grassroots Tyranny: The Limits of Federalism) 》 (Washington, D.C.: Cato Institute, 1993)；同上，对伯利克和鲍兹的反驳，见穆瑞·N·罗斯巴德，<p>
现代福利国家很大程度上剥夺了私有财产所有者的排他性权利，这一权利本来隐藏在私有财产概念之中。歧视被认为是非法的。雇主无法雇其想雇之人。房东无法选择租户。买家无法选择顾客。买家无法选择商家。而私有财产所有者群体不允许拟定任何他们认为互惠的限制性契约。国家因此剥夺了人民的大部分私人防卫和武装防卫。无法驱逐他人意味着无法保护自己。民主福利国家下，对私有财产权利的这种侵蚀的结果就是强制一体化。（强制一体化无处不在。美国人必须接受他们不想接受的移民。教师无法摆脱差生和行为不端的学生。房东被迫与不良租户共同生活，银行和保险公司不允许规避不良风险，餐馆和酒吧必须接纳不受欢迎的顾客，而私人俱乐部和私人契约，被迫接受违反其自身规则与限制的成员及其行动。此外，特别是在公共——亦即政府——财产上，强制一体化采取了危险的形式：堂而皇之和无法无天（norm and lawlessness）。

To exclude other people from one's own property is the very means by which an owner can avoid "bads" from happening: events that will lower the value of one's property. In not being permitted to freely exclude, the incidence of bads—ill-behaved, lazy, unreliable, rotten students, employees, customers—will increase and property values will fall. In fact, forced integration (the result of all nondiscrimination policies) breeds ill behavior and bad character. In civilized society, the ultimate price for ill behavior is expulsion, and all-around ill-behaved or rotten characters (even if they commit no criminal offense) will find themselves quickly expelled from everywhere and by everyone and become outcasts, physically removed from civilization. This is a stiff price to pay; hence, the frequency of such behavior is reduced. By contrast, if one

71 原注：穆瑞·N·罗斯巴德阐述道：

每一位财产所有者应该拥有出售、雇佣或出租其资金或其它财产给任何他所选定之人的绝对权力，这意味着他拥有该死的任意（all he damn pleases）“歧视”一切的绝对权力。如果我拥有一家企业，而且只想聘请六英尺高的白化病人，而且我能够找到愿意受雇的人，那么即便我可能连底裤都赔光（lose my shirt），我也应该有权这么做……如果我拥有一间公寓楼，而且只想租给没有孩子的瑞典人，我也应该有权这么做，等等。将这类歧视及赞成这种歧视的限制性契约视为非法，是随后其他一切问题的原罪。一旦承认这一原则，其他事情便会如黑夜忠于白昼一般接踵而至……因为如果对我对黑人的歧视视为非法是正确的和恰当的，那么，政府查明我是否正在歧视他人也是正确的和恰当的。在这种情况下，他们采取配额法来检验我是否涉嫌歧视也完全合法……我们应该做的是完全拒绝“民权”和反歧视法，同时，在各自独立但平行的轨道上，尽可能多地尝试私有化。（《马歇尔、民权和法院（Marshall, Civil Rights, and the Court）》，载于《罗斯巴德·罗克韦尔报告》第2卷第8期[1991年8月]第4-6页)
is prevented from expelling others from one's property whenever their presence is deemed undesirable, ill behavior, misconduct, and outright rotten characters are encouraged (rendered less costly). Rather than being isolated and ultimately entirely removed from society, the "bums"—in every conceivable area of incompetency (bumhood)—are permitted to perpetrate their unpleasanntries everywhere, so bum-like behavior and bums will proliferate. The results of forced integration are only too visible. All social relations—whether in private or business life—have become increasingly egalitarian (everyone is on a first name basis with everyone else) and uncivilized.

In distinct contrast, a society in which the right to exclusion is fully restored to owners of private property would be profoundly unegalitarian, intolerant, and discriminatory. There would be little or no "tolerance" and "open-mindedness" so dear to left-libertarians. Instead, one would be on the right path toward restoring the freedom of association and exclusion implied in the institution of private property, if only towns and villages could and would do what they did as a matter of course until well into the nineteenth century in Europe and the United States. There would be signs regarding entrance requirements to the town, and, once in town, requirements for entering specific pieces of property (for example, no beggars, bums, or homeless, but also no homosexuals, drug users, Jews, Moslems, Germans, or Zulus), and those who did not meet these entrance requirements would be kicked out as trespassers. Almost instantly, cultural and moral normalcy would reassert itself.

与此对比鲜明的是，一个排他权充分回归私有财产所有者的社会会出现严重的不平等、不宽容以及歧视。几乎不会有左翼自由意志主义者所珍视的“宽容”和“思想开放”。相反，只要城镇和村庄能够
并愿意理所当然地像十九世纪欧美那样做，我们就会走上恢复私有财产制度所隐含的结社自由与排他自由的正确之路。城镇会有入口许可要求的标志，一旦到了城里，会有进入特定产权领地许可要求的标志（例如，不允许乞丐、无家可归者进入，但也不允许同性恋、吸毒者、犹太人、穆斯林、德国人或祖鲁人[Zulus，南非黑人之一支]进入），而那些不符合这些准入要求的人会被当做闯入者踢出去。文化与道德常态几乎就会立刻自动重建。

Left-libertarians and multi- or countercultural lifestyle experimentalists, even if they were not engaged in any crime, would once again have to pay a price for their behavior. If they continued with their behavior or lifestyle, they would be barred from civilized society and live physically separate from it, in ghettos or on the fringes of society, and many positions or professions would be unattainable to them. In contrast, if they wished to live and advance within society, they would have to adjust and assimilate to the moral and cultural norms of the society they wanted to enter. To thus assimilate would not necessarily imply that one would have to give up one's substandard or abnormal behavior or lifestyle altogether. It would imply, however, that one could no longer "come out" and exhibit one's alternative behavior or lifestyle in public. Such behavior would have to stay in the closet, hidden from the public eye, and physically restricted to the total privacy of one's own four walls. Advertising or displaying it in public would lead to expulsion.

左翼自由意志主义者和多元文化、反主流文化生活方式实验者，即便他们没有涉及任何犯罪，也将再次为他们的行为付出代价。如果继续他们的行为或生活方式，他们会被市民社会禁止入内，只能物理性地与之隔绝，生活在贫民区或社会边缘，许多职位或职业对他们来说将会不可企及。相反，如果希望在社会中生活和发展，他们不得不自我调节并适应他们想要进入的社会之道德与文化规范。因此，同化不必然意味着人们不得不完全放弃自己的不达标的标准、反常的行为或生活方式。然而，它意味着，人们再也不能在公众面前展现他们的另类行为或生活方式，不能让它们“冒头”（come out）。这类行为必须留在暗处（in the closet），必须在公众视线之外，必须被物理性地限制在其完全自有的四壁之内。在公开场合宣传或展示之，只会遭致驱逐。

72 原注：为了避免任何误解，也许应该指出，在一个纯粹的自由意志主义世界里，预测歧视现象增加，并没有暗示歧视的形式和程度在所有地方都会是相同或类似的。恰恰相反，自由意志主义的世界会而且很可能会是这样一个世界：它拥有各种各样的地区性分离的共同体，这些共同体各自进行明显不同和程度很深的歧视。穆瑞·N·罗斯巴德解释道：在一个（包括街道在内）完全由私有财产和由财产所有者组成的私人领社组成的国家或世界中，这些所有者可以制定他们想要的任何类型的邻里合约。那么，在实践中，这个国家将是一个真正的“华丽的拼盘”——包括从吵闹的格林威治村式合约社区，到社会化的保守主义的同质化WASP（White Anglo-Saxon Protestant，盎格鲁-萨克逊白人清教徒）社区。请记住，所有的契约和合约将再次完全合法和可执行，没有多管闲事的政府对它们进行限制。因此，考虑到毒品问题，如果一个私有社区（proprietary community）订立了不许吸毒的合约，而琼斯违反了合约并吸毒，其社区订约人完全可以执行合约，将他踢出社区。或者，因为没有任何预先订立的合约能够考虑到所有可以想像的情形，假设史密斯个性上变得如此令人厌恶以至于其社区业主希望他滚出去，那么，可能根据一些合约中预先设定的“厌恶性”条款，他不得不赎回他的产业，踢他出局。
Moreover, true conservative libertarians—in contrast to left-libertarians—must not only recognize and emphasize the fact that there will be a sharp increase in discrimination (exclusion, expulsion) in a libertarian society wherein private property rights are fully restored to the owners of private households and estates; more importantly, they will have to recognize—and conservatives and conservative insights can be helpful in achieving this—that this ought to be so: that is, that there should be strict discrimination if one wants to reach the goal of a private property anarchy (or a pure private law society). Without continued and relentless discrimination, a libertarian society would quickly erode and degenerate into welfare state socialism. Every social order, including a libertarian or conservative one, requires a self-enforcement mechanism. More precisely, social orders (unlike mechanical or biological systems) are not maintained automatically; they require conscious effort and purposeful action on the part of the members of society to prevent them from disintegrating.

此外，真正的保守主义—自由意志主义者——与左翼自由意志主义者相反——不仅必须承认并强调这一事实：在私有财产权充分回归私有家庭和私有产业的自由意志主义社会，歧视（排斥、驱逐）会急剧增加，更重要的是，他们还必须承认——保守主义者及其洞见对认知这一点有帮助——事情也正应该如此：也就是说，人们如果想实现私有财产无政府（或纯粹的私法社会）之目标，就应该有严格的歧视。没有持续地无情地歧视，自由意志主义社会会迅速腐化并退化成福利国家社会主义。每一种社会秩序，包括自由意志主义秩序或保守主义秩序，都要求某种自我强化的机制。更确切地说，不像机器系统或生物学系统，社会秩序不会自动维系；它们要求社会成员自觉地努力和有目的的行动以阻止社会解体。73

73 原注：特别参见米塞斯《人的行动》，尤其是第9章；约瑟夫·T·萨勒诺（Joseph T. Salerno）《作为社会理性主义者米塞斯（Ludwig von Mises as Social Rationalist）》，载于《奥地利经济学评论（Review of Austrian Economics）》第4卷（1990）。
VI 私产社区不能宽容民主言论

The standard libertarian model of a community is one of individuals who, instead of living physically separated and isolated from one another, associate with each other as neighbors living on adjacent but separately owned pieces of land. However, this model is too simplistic. Presumably, the reason for choosing neighbors over isolation is the fact that for individuals participating in and partaking of the benefits of the division of labor, a neighborhood offers the added advantage of lower transaction costs; that is, a neighborhood facilitates exchange. As a consequence, the value of an individually owned piece of land will be enhanced by the existence of neighboring pieces of land owned by others. However, while this may indeed be true and constitute a valid reason for choosing a neighborhood over physical isolation, it is by no means always true. A neighborhood also involves risks and may lead to falling rather than increasing property values, for even if one assumes, in accordance with the model under consideration, that the initial establishment of neighboring property was mutually beneficial, and even if it is further assumed that all members of a community refrain from criminal activity, it might still happen that a formerly "good" neighbor turns obnoxious, that he does not take care of his property or changes it so as to negatively affect the property values of other community members, or that he simply refuses to participate in any cooperative effort directed at improving the value of the community as a whole.

Hence, in order to overcome the difficulties inherent in community development when the land is held in divided ownership, the formation of neighborhoods and communities has in fact proceeded along different lines from those suggested in the above mentioned model.

标准的自由意志主义模式的社区是一个人们邻里相望，彼此联系，但独有分立领地，而非彼此物理上分开和互相孤绝的社区。然而，这是一个太过简化的模型。按照推想，人们选择邻处而非性独处的原因是，对于参与和分享劳动分工益处的个体来说，邻居提供了额外的低交易成本优势；也就是说，邻处促进了交换。因此，个体所拥有的片土，因他人所有的邻地之存在而提升了价值。然而，尽管这可能的确是正确的，而且构成了择邻相处而非物理隔绝的有效理由，但它并不意味着总是正确的。邻处也可能带来风险并可能导致财产减值而非升值，因为即便根据前述模型，人们假定邻处财产之初始构建是互利的，即便进一步假定社区所有成员都克己守法，不从事犯罪活动，下列情况仍然可能发生：一个之前的“好”邻居变得令人讨厌；他不再照看他的财产或者对之进行改变，因而给其他社区成员的财产价值带来负面影响；或者他完全拒绝参与任何能够直接整体提升社区价值的合作活动。因此，
为了克服土地掌握在分立的财产所有者手中时社区发展的内在困难，邻里和社区的构成，事实上是沿着不同于上文提及的模型所建议的路线进行的。

Rather than being composed of adjacent pieces of land owned in severality, then, neighborhoods have typically been proprietary or covenantal communities, founded and owned by a single proprietor who would "lease" separate parts of the land under specified conditions to selected individuals. Originally, such covenants were based on kinship relations, with the role of the proprietor performed by the head of a family or clan. In other words, just as the actions of the immediate family members are coordinated by the head and owner of the household within a single family household, so was the function of directing and coordinating the land uses of groups of neighboring households traditionally fulfilled by the head of an extended kinship group. In modern times, characterized by massive population growth and a significant loss in the importance of kinship relations, this original libertarian model of a proprietary community has been replaced by new and familiar developments such as shopping malls and "gated communities." Both shopping centers and gated residential communities are owned by a single entity, either an individual or a private corporation, and the relationship between the community proprietor and his renters and residents is purely contractual. The proprietor is an entrepreneur seeking profits from developing and managing residential and/or business communities which attract people as places where they want to reside and/or carry on their business."The proprietor," elaborates Spencer MacCallum,

然后，邻社（neighborhoods）并非由几块单独所有的相连土地组成，它通常是私有的（proprietary）或契约性的社区，由单一业主（proprietor）建立并拥有。业主将土地的不同部分以特定条件“出租”给选定的个体。最初，这类契约基于亲属关系，业主的角色由家族或氏族首领担任。换句话说，正如家

只要个人拥有的部分所有权小于整体所有权，他们的利益就会与其他人的利益以及任何不规则地影响土地价值的提案中的共同利益相冲突。然而，要避免这种情况，就要彻底抛弃土地利用的规划和协调，并最终放弃所有土地价值。缺乏有效的领导来仲裁冲突或挽救出最不坏的结果，会进一步恶化局势。缺乏的就是这样一个人，虽然他在社区中没有任何特殊利益，但同时又非常关心整个社区的成功。（第 57 页）

土地上的财产不能移到更有利于其使用的环境中。它作为经济资源的价值取决于它所处的环境。因此，它的更高用途取决于重新环境以适应它。由于场地的可能用途取决于周围的土地用途，所有人类活动都是一种或另一种土地用途，因此，协调周围土地的用途对于其最有效地利用土地至关重要。在存在多个独立权威的情况下，很少能有效地做到这一点。如果周围的土地是单独拥有的，那么几位所有者或许可能或不可能将他们的各种用途纳入综合计划，这取决于影响每个人的能力和意愿的许多（往往是偶然的）因素。他们只是环境意义上的邻居，而不是互与便利的邻里。（第 78 页）

75 原注：为避免误解，此处使用的“租赁”一词包括出售任何低于该事物全部所有权的东西。因此，举例来说，业主可以出售一栋房子和一块土地的某些权利，但建造超过一定高度的房子或非特定设计的房子或土地用于住宅以外的任何目的的权利除外，等等，这些权利由卖方业主保留。关于这一点，见罗斯巴德《自由的伦理（The Ethics of Liberty）》，第 146 页。
族直系成员之行为由族长或某单一家族产业的家产所有者或首领来协调一样，类似的指导与协调邻社家庭群体的土地使用之职能，传统上由一个扩展性的亲属群体之领袖来执行。76现代社会的特征是人口大规模增长和亲属关系的重要性大幅下降，这种原始的自由意志主义模式的 proprietary community（私产社区）已经被新的，人所共知的诸如购物中心和“门控社区（gated communities）”的发展所代替。无论购物中心还是门控居住社区都是单一实体所有，要么是个人，要么是私人公司，而社区业主与其租户和住户之间的关系纯粹是合约性的。业主是企业家，他从发展和管理吸引当地想要定居和/或从商的人居住和/或从商的社区中获益。斯宾塞·麦克卡勒姆（Spencer MacCallum）阐述道，

……builds value in the inventory of community land chiefly by satisfying three functional requirements of a community which he alone as an owner can adequately fulfill: selection of members, land planning, and leadership… The first two functions, membership selection and land planning, are accomplished by him automatically in the course of determining to whom, and for what purpose, to let the use of land. The third function, leadership, is his natural responsibility and also his special opportunity, since his interest alone is the success of the whole community rather than that of any special interest within it. Assigning land automatically establishes the kinds of tenants and their spatial juxtaposition to one another and, hence, the economic structure of the community. Leadership also includes arbitration of differences among tenants, as well as guidance and participation in joint efforts [Indeed,] in a fundamental sense the security of the community is a part of the owner’s real estate function. Under land planning, he supervises the design of all construction from the standpoint of safety. He also chooses tenants with a view to their compatibility and complementarity with other members of the community and learns to anticipate in the leases and to provide in other ways against disputes developing among tenants. By his informal peacemaking and arbitrating, he resolves differences that might otherwise become serious. In these many ways he ensures “quiet possession,” as it was so admirably phrased in the language of the Common Law, for his tenants.

……业主主要通过满足社区的三种功能性要求来实现社区土地租赁的价值。这些要求，他作为所有者可以充分满足，它们是：选择成员、土地规划和领导力（leadership）……前两项功能，选择成员和土地规划，是在他决定为了何种目的，将土地使用权给谁的过程中自动完成

76 原注：麦克卡勒姆解释道，私产社区并非我们时代与文化所独有，其根源在人类历史深处……在原始人世界的家庭中，土地通常由财产继承序列中的男性长者管理。对于家族来说，它可能由氏族或世袭或其他群体的首领管理。该首领通常是跨度最宽泛的亲缘群体之男性长者。在村庄层级上也类似。用人类学家梅尔维尔·赫斯科维特（Melville Herskovit）话说，这就是“熟人模式”。即“由村庄首领代表其成员——土著或被收养的人——受托管理村庄土地所有权，以及由家长作为受托人管理家庭所有权”。这种制度有时被称为“庄园主义（seignorialism）”，因为权威的分发是由亲缘群体中的高级成员在相关的组织跨度或水平上行使的。（《社区艺术（The Art of Community）》（第39页）
Clearly then, the task of maintaining the covenant entailed in a libertarian (proprietary) community is first and foremost that of the proprietor. Yet he is but one man, and it is impossible for him to succeed in this task unless he is supported in his endeavor by a majority of the members of the community in question. In particular, the proprietor needs the support of the the community elite, i.e., the heads of households and firms most heavily invested in the community. In order to protect and possibly enhance the value of their property and investments, both proprietor and the community elite must be willing and prepared to take two forms of protective measures. First, they must be willing to defend themselves by means of physical force and punishment against external invaders and domestic criminals. But second and equally important, they must also be willing to defend themselves, by means of ostracism, exclusion and ultimately expulsion, against those community members who advocate, advertise or propagandize actions incompatible with the very purpose of the covenant: to protect property and family.

那么很明显，在一个自由意志主义的（私有的）社区内维护契约，首先是业主的任务。然而，他只是一个人，除非他努力赢得相关社区多数成员的支持，否则不可能成功完成这项任务。尤其是，业主需要社区精英的支持，例如在社区内投资最多的家庭与企业领袖的支持。为了保护和提高财产与投资升值之可能，无论业主还是社区精英都会愿意，并准备采取两种形式的保护性措施。首先，他们必然愿意通过武力和惩罚外部入侵者和内部犯罪的手段保护自己。但是，同样重要的是第二项，他们也必然

77 原注：麦克卡勒姆（MacCallum）《社区艺术（The Art of Community）》，第 63、66、67 页。
In this regard a community always faces the double and related threat of egalitarianism and cultural relativism. Egalitarianism, in every form and shape, is incompatible with the idea of private property. Private property implies exclusivity, inequality, and difference. And cultural relativism is incompatible with the fundamental—indeed foundational—fact of families and intergenerational kinship relations. Families and kinship relations imply cultural absolutism. As a matter of socio-psychological fact, both egalitarian and relativistic sentiments find steady support among ever new generations of adolescents. Owing to their still incomplete mental development, juveniles, especially of the male variety, are always susceptible to both ideas. Adolescence is marked by regular (and for this stage normal) outbreaks of rebellion by the young against the discipline imposed on them by family life and parental authority. Cultural relativism and multiculturalism provide the ideological instrument of emancipating oneself from these constraints. And egalitarianism—based on the infantile view that property is "given" (and thus distributed arbitrarily) rather than individually appropriated and produced (and hence, distributed justly, i.e., in accordance with personal productivity)—provides the intellectual means by which the rebellious youths can lay claim to the economic resources necessary for a life free of and outside the disciplinary framework of families.

In this regard a community always faces the double and related threat of egalitarianism and cultural relativism. Egalitarianism, in every form and shape, is incompatible with the idea of private property. Private property implies exclusivity, inequality, and difference. And cultural relativism is incompatible with the fundamental—indeed foundational—fact of families and intergenerational kinship relations. Families and kinship relations imply cultural absolutism. As a matter of socio-psychological fact, both egalitarian and relativistic sentiments find steady support among ever new generations of adolescents. Owing to their still incomplete mental development, juveniles, especially of the male variety, are always susceptible to both ideas. Adolescence is marked by regular (and for this stage normal) outbreaks of rebellion by the young against the discipline imposed on them by family life and parental authority. Cultural relativism and multiculturalism provide the ideological instrument of emancipating oneself from these constraints. And egalitarianism—based on the infantile view that property is "given" (and thus distributed arbitrarily) rather than individually appropriated and produced (and hence, distributed justly, i.e., in accordance with personal productivity)—provides the intellectual means by which the rebellious youths can lay claim to the economic resources necessary for a life free of and outside the disciplinary framework of families.

在这方面，一个社区总是面临平等主义与文化相对主义的双重相关威胁。平等主义在任何形式与形态下都与私有财产观念不相容。私有财产意味着排他、不平等和差异。而文化相对主义，与家庭和代际亲情关系这一基本事实——实际上是根本事实——不相容。家庭与亲属关系意味着文化绝对主义。作为一个社会-心理学事实，平等主义与相对主义的情感，得到新生代青少年的稳定支持。由于他们的精神发育尚不完善，少年，尤其是少男，总是容易受到这两种思想影响。青春期的特点是，对家庭生活

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78 原注：关于维系社会秩序所需的排斥权的重要性，MacCallum 指出：“在任何社会水平上，无论是原始社会还是现代社会，流放都是对违约者和欺诈者的自然和自动的补救方案”。

通过剥夺不动产，他（村长首领）将那些让自己成为村民无法容忍的个体，驱逐出共同体（正如购物中心管理者不给那些与他人合不来的租户续租一样）。然而，与现代私产社区相比，在村庄，这种情况并不常见，成员控制仍然是共同体生活的功能性要求，因为共同体内必然会存在管制条款。（第 70 页）

在这段话的脚注中，他继续说：

人类学家雷蒙德·福尔斯（Raymond Firth）记录了一次关于被放逐出太平洋上的蒂科皮亚岛屿社会的表述，它以简单的方式唤醒了人们在盎格鲁-萨克逊诗歌《流浪者（The Wanderer）》中感受到的那种悲情。由于所有土地都归酋长们所有，被流放的人没了任何资源，只能乘坐独木舟出海——自杀或者在其他岛上以陌生人的身份生活。对被放逐者的表述，可以翻译成一个“没有立足之地”的人。《社区艺术（The Art of Community）》第 77 页)
The enforcement of a covenant is largely a matter of prudence, of course. How and when to react, and what protective measures to take, requires judgment on the part of the members of the community and especially the proprietor and the community elite. Thus, for instance, so long as the threat of moral relativism and egalitarianism is restricted to a small proportion of juveniles and young adults for only a brief period in life (until they settle back into family-constrained adulthood), it may well be sufficient to do nothing at all. The proponents of cultural relativism and egalitarianism would represent little more than temporary embarrassments or irritations, and punishment in the form of ostracism can be quite mild and lenient. A small dose of ridicule and contempt may be all that is needed to contain the relativistic and egalitarian threat. The situation is very different, however, and rather more drastic measures might be required, once the spirit of moral relativism and egalitarianism has taken hold among adult members of society: among mothers, fathers, and heads of households and firms.

As soon as mature members of society habitually express acceptance or even advocate egalitarian sentiments, whether in the form of democracy (majority rule) or of communism, it becomes essential that other members, protective measures to take, requires judgment on the part of the members of the community and especially the proprietor and the community elite. Thus, for instance, so long as the threat of moral relativism and egalitarianism is restricted to a small proportion of juveniles and young adults for only a brief period in life (until they settle back into family-constrained adulthood), it may well be sufficient to do nothing at all. The proponents of cultural relativism and egalitarianism would represent little more than temporary embarrassments or irritations, and punishment in the form of ostracism can be quite mild and lenient. A small dose of ridicule and contempt may be all that is needed to contain the relativistic and egalitarian threat. The situation is very different, however, and rather more drastic measures might be required, once the spirit of moral relativism and egalitarianism has taken hold among adult members of society: among mothers, fathers, and heads of households and firms.

As soon as mature members of society habitually express acceptance or even advocate egalitarian sentiments, whether in the form of democracy (majority rule) or of communism, it becomes essential that other members,
It should be obvious then that and why libertarians must be moral and cultural conservatives of the most uncompromising kind. The current state of moral degeneration, social disintegration and cultural rot is precisely the result of too much—and above all erroneous and misconceived—tolerance. Rather than having all habitual democrats, communists, and alternative lifestylers quickly isolated, excluded and expelled from...
civilization in accordance with the principles of the covenant, they were tolerated by society. Yet this
toleration only encouraged and promoted even more egalitarian and relativistic sentiments and attitudes, until
at last the point was reached where the authority of excluding anyone for anything had effectively evaporated
(while the power of the state, as manifested in state-sponsored forced integration policies, had
correspondingly grown).

那么很明显，自由意志主义者为什么必须是最不妥协的道德与文化保守主义者。道德沦丧、社会解体
和文化腐朽正是太多——首先是错误的和被误解的——宽容的结果。社会容忍了那些民主成性、共产
成性、另类生活方式成性的人，而不是根据契约原则将他们全部迅速孤立、排斥和驱逐出文明社会。
然而，这种宽容只是在鼓励和促成更多的平等主义和相对主义的情感与态度，它最终到了这种地步：
因为任何事情排斥任何人的权威实质上消失了（而国家权力，正如在国家发起的强制一体化政策中所
表现出来的那样，相应地增加了）。

Libertarians, in their attempt to establish a free natural social order, must strive to regain from the state the
right to exclusion inherent in private property. Yet even before they accomplish this and in order to render
such an achievement even possible, libertarians cannot soon enough begin to reassert and exercise, to the
extent that the situation still permits them to do so, their right to exclusion in everyday life. Libertarians must
distinguish themselves from others by practicing (as well as advocating) the most extreme form of
intolerance and discrimination against egalitarians, democrats, socialists, communists, multiculturalists,
environmentalists, ill manners, misconduct, incompetence, rudeness, vulgarity, and obscenity. Like true
conservatives, who will have to dissociate themselves from the false social(ist) conservativism of the
Buchananites and the neoconservatives, true libertarians must visibly and ostentatiously dissociate
themselves from the false multicountercultural and anti-authoritarian egalitarian left-libertarian impostors.

自由意志主义者在他们建立自由的自然社会秩序的尝试中，必须努力从国家那里重获内嵌于私有财产的排
斥权。然而，甚至在他们实现这一目标之前，甚至为了使这一成就有可能达成，只要形势仍然允许这么做，
自由意志主义者就必须尽快在日常生活中重启和执行他们的排斥权。自由意志主义者必须通过实践（主张）对平等主义、民主主义、社会主义、共产主义、多元主义、环境保护主义、礼仪不良、行径不断、无性、无礼、粗鄙和下流进行最严厉形式的不宽容和歧视，将自己与其他人区分开来。像真正的保守主义者必须断绝与布坎南式的错误的社会（主义）保守主义和新保守主义的联系一样，真正的自由意志主义者必须清晰地、公开地与错误的多元反主流文化和反权威的平等主义的左翼自由意志主义江湖骗子断绝联系。
Classical liberalism has been in decline for more than a century. Since the second half of the nineteenth century, in the U.S. as well as in Western Europe, public affairs have increasingly been shaped instead by socialist ideas. In fact, the twentieth century may well be described as the century *par excellence* of socialism: of communism, fascism, national socialism, and most enduringly of social democracy (modern American liberalism and neoconservatism).  

To be sure, this decline has not been a continuous one. Matters did not always become worse from a liberal viewpoint. There were also some reprieves. As a result of World War II, for instance, West Germany and Italy experienced significant liberalization in comparison to the *status quo ante* under national socialism and

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自由主义纲领……如果只用一个词概括，那就是：财产，也就是说，生产资料私人所有制（关于准备用于消费的商品，私有制是理所当然的，即使社会主义者和共产主义者也对此不持异议）。自由主义的所有其他要求，都来自这一根本要求。

相比之下，美国现代“自由主义”拥有几乎相反的含义，它可以追溯到约翰·斯图亚特·密尔（John Stuart Mil）及其1859年著作《论自由》，这是现代温和社会主义——社会民主主义——的源头。米塞斯指出（同上，第195页）：

密尔……是自由主义和社会主义观念大杂烩的始作俑者，导致了英国自由主义的衰落，削弱了英国人民的生活水平……不彻底研究密尔，就不可能理解最近两代人的历史（1927年！）。因为密尔是社会主义的捍卫者。他满怀深情地阐述了所有可以支持社会主义的论点。与密尔相比，所有其他社会主义的著作家——即使是马克思、恩格斯、拉萨尔——都显得无足轻重。
fascism. Similarly, the collapse of the communist Soviet Empire in the late 1980s has led to a remarkable liberalization across Eastern Europe. However, as much as liberals welcomed these events, they were not indicative of a renaissance of liberalism. Rather, the liberalization of Germany and Italy in the aftermath of World War II and the current post-communist liberalization of Eastern Europe were the outcome of external and accidental events: of military defeat and/or outright economic bankruptcy. It was in each case liberalization by default of the old system, and the default option adopted subsequently was simply a variant of socialism: social democracy as exemplified by the U.S. as the only surviving—not yet militarily defeated or economically bankrupt—superpower.

诚然，这种衰落并不是一直在持续。从自由主义者的角度看，事情也没有总是变得更糟。也有过一些暂缓恶化的情况。例如，由于二战的结果，与此前在民族社会主义与法西斯主义统治下的状况相比，西德和意大利经历了重要的自由化。同样的，在 1980 年代末共产主义苏联帝国的崩溃，也导致了整个东欧显著的自由化。然而，尽管许多自由派欢迎这些事件，这些事件也并非自由主义复兴的表征。相反，二战后德意的自由化和当前东欧的后共产主义自由化是外部和偶然事件的结果：军事上战败和/或经济的彻底破产。前述每一个案例，都是旧制度自动缺席下的自由化，且随后的默认选项都只是社会主义的一个变种：社会民主主义，它以美国这个唯一幸存的——尚未被军事击败或经济破产的——超级大国为榜样。

Thus, even if liberals have enjoyed a few periods of reprieve, ultimately the displacement of liberalism by socialism has been complete. Indeed, so complete has been the socialist victory that today, at the beginning of the twentieth-first century, some neoconservatives have waxed triumphantly about the "End of History" and the arrival of the "Last Man," i.e., of the last millenium of global, U.S.-supervised social democracy and a new homo socio-democraticus.

因此，即使自由主义者享受了几个时期的缓和，最终自由主义也会被社会主义完全取代。实际上，社会主义的胜利如此彻底，以至于今天，二十一世纪初，一些“新”保守主义者得意洋洋地畅谈“历史的终结”和“最后一人（the Last Man）”的到来，亦即由美国监管的全球化社会民主，一种全新的社会民主化人类（homo socio-democraticus）的最后一个千年王国。

原注：见弗朗西斯・福山 (Francis Fukuyama) 《历史的终结 (The End of History)》，载于《国家利益》第 16 卷 (1989 年夏)；同时参见《历史的终结与最后一人 (The End of History and the Last Man )》 (New York: Avon Books, 1993)，在总结自己的论题时，福山写道：

我论述了作为一种政体的自由民主制 [社会民主制]，随着它在过去数十年中战胜与之竞争的各种意识形态，如世袭君主制、法西斯主义以及最近的共产主义，关于其合法性的突出共识，已经在全球范围内出现。不仅如此，我还论述了，自由民主也许构成了“人类意识形态演化的终点”和“人类政体的最后形式”，并因此构成“历史的终结”。也就是说，此前的政体
II 古典自由主义对历史倒车负有智识责任

Even if one regards the Hegelian aspirations of this interpretation as preposterous, according to which liberalism marks only a transitory stage in the evolution of the fully-developed social democratic man, liberals still must be pained at the mere appearance of truth of neoconservative philosophizing. Nor can they console themselves with the knowledge that social democracy also is bound to collapse economically. They knew that communism had to collapse, yet when it did, this did not inaugurate a liberal renaissance. There is no a priori reason to assume that the future breakdown of social democracy will bear any more favorable results.

形式因其严重缺陷和不合理最终会招致崩溃，与此相反，如我所表明的那样，自由民主则不存在这些基本的内在矛盾……但这并不是说生老病死的自然循环会终结，也不是说重大事件不再发生，或者报道这些重大事件的报纸不再发行。确切地说，它指的是那些奠基性原则和制度不再有进一步的发展了，因为所有真正的大问题都已得到解决。（第 11-12 页）
根据这种解释，自由主义只标志著充分发展的社会民主党人演化过程中的一个过渡阶段，即便人们认为这种解释中的黑格尔式野心（aspiration）是荒谬的，

![图像1](image1.png)

自由主义者也仍然必然为“新”保守主义高谈阔论的表面真理（mere appearance of truth）感到痛苦。他们也不能以社会民主主义必然到来经济崩溃的知识来自我安慰。他们知道共产主义必定崩溃，然而，当它崩溃时，并没有开启自由主义的复兴之路。没有任何先验的理由可以假定，社会民主主义未来的破产会带来任何更有利的结果。

Assuming that the course of human history is determined by ideas (rather than "blind forces") and historical changes are the result of ideological shifts in public opinion, it follows that the socialist transformation of the last hundred years must be understood as the result of liberalism's intellectual—philosophical and theoretical—defeat, i.e., the increasing rejection in public opinion of the liberal doctrine as faulty. In this situation, liberals can react in two ways. On the one hand, they may still want to maintain that liberalism is a sound doctrine and that the public rejects it in spite of its truth. In this case, one must explain why people cling to false beliefs, even if they are aware of correct liberal ideas. Does the truth not always hold its own attraction and rewards? Furthermore, one must explain why the liberal truth is increasingly rejected in favor of socialist falsehoods. Did the population become more indolent or degenerate? If so, how can this be explained?

On the other hand, one may consider the rejection as indicative of an error in one's doctrine. In this case, one must reconsider its theoretical foundations and identify the error which can account not only for the doctrine's rejection as false but more importantly for the actual course of events. In other words, the socialist transformation must be explained as an intelligible and systematically predictable progressive deconstruction and degeneration of liberal political theory originating in and logically arising from this error as the ultimate source of all subsequent socialist confusion.

假设人类历史进程是由观念（而非“盲目的力量”）决定的，历史变革是公共舆论中的意识形态变迁的结果，那么，过去百年历史中的社会主义转向，必须被理解为是自由主义主义智识上——哲学与理论上……


\[3\] 原注：因此，福山写道：

在世界的绝大部分地区，没有任何一种自称具有普遍性的意识形态堪与自由民主对抗，而在人民主权原则之外，也不存在任何别的具有普遍性的合法性原则……

我们难以想象一个在根本上比我们这个世界更好的世界，或者一个在本质上并非民主主义和资本主义的未来……我们无法描绘一个本质上不同于当前世界同时又更为美好的世界……如果我们考察的不只是过去十五年的情形，而是整个历史的情形，那么完全可以说，自由民主正在开始占据一个独特的地位……存在着一个为所有 人类社会规的规定了共同的演进模式的基本过程——即言之，也就是某类类似于沿着自由民主方向进展的人类普世史的东西……如果我们现在无力想象一个与我们自己身处其中的世界本质上不同的世界，也找不到明确的或显然的方式。来表明未来世界会对我们的当前秩序有一个根本的改善，那我们也必须来考虑历史本身可能走到了尽头这样的可能性了。（《历史的终结 (The End of History)》第45-51页。）
—失败的结果，也就是说，公共舆论日益拒绝自由主义学说，视之为谬误。在这种情况下，自由主义者可以有两种方式回应。一方面，他们可能仍然要坚称，自由主义是一种合理的学说，尽管它是真理，但公众还是拒绝它。在这种情况下，他们必须解释，为什么人民即使认识到了正确的自由主义理念，也还要坚持错误的信念。难道真理本身不总是具有吸引力和不总是有回报吗？此外，他们必须解释，为什么人民会越来越拒绝自由主义真理，支持社会主义谎言？难道大众变得越来越好逸恶劳或堕落？如果是这样，又如何解释呢？另一方面，他们可能认为拒绝本身表明自己的学说中存在错误。在这种情况下，他们必须重新思索其理论基础并且识别出错误。换句话说，自由主义转向，必须被解释为对源自于和逻辑上产生于该错误的自由主义政治理论的逐步解构和退化（这种解构和退化在智识上是可能的，也是可以被系统性预见的），就像将它解释为所有随后的社会主义迷乱状况的终极根源一样。

III 古典自由主义的核心错误：政府理论

Liberalism's central and momentous error lies in its theory of government.

自由主义核心的和最大的错误，在于其政府理论。

Classical-liberal political philosophy—as personified by Locke and most prominently displayed in Jefferson's Declaration of Independence—was first and foremost a moral doctrine. Drawing on the

4 原注：见路德维希·冯·米塞斯《理论与历史：一种社会与经济演化的解释（Theory and History: An Interpretation of Social and Economic Evolution）》(Auburn, Ala.: Ludwig von Mises Institute, 1985) 尤其是第 4 部分。

5 原注：关于这一点，见路德维希·冯·米塞斯《反资本主义心态 (The Anti-Capitalistic Mentality)》(South Holland, Ill.: Libertarian Press, 1972)。

6 原注：关于这一方向的尝试，见西摩·伊茨科夫 (Seymour Itzkoff) 《美国的智识衰退 (The Decline of Intelligence in America)》(Westport, Conn.: Praeger, 1994)。伊茨科夫此处致力于解释社会退化现象，是公共福利政策促成的非优生效应之结果，美国尤其如此。

古典自由主义政治哲学——它由洛克所代表，并最突出地表现在杰斐逊的《独立宣言》中——首先是一种道德学说。它借鉴了斯多噶哲学及后来的经院哲学，围绕自我所有权，对自然天赋资源（nature-given resources）（无主资源）的初始占有、财产、合约等概念展开，并把它们视作蕴涵在作为理性动物的人的本质中的普遍人权。在遍地是王权与皇权统治者的环境中，这种对普遍人权的强调，很自然地将自由主义哲学置于每一个既存政府的激进对立面。对于自由主义者来说，每一个人，无论他是国王还是农夫，都受制于同样普遍与永恒的正义原则，政府要么只能从与私有财产所有者订立的合约中获得正当性（justification），要么根本就不能被视为正当。但是，有没有什么政府能被正当化？


10 原注：因此，卡西尔写道：政府契约论成为十七世纪政治思想不言自明的公理……这一事实标志着伟大的决定性一步。因为如果我们采纳了这种观点，我们将法律与社会秩序归结于自由个体的行动，归结于被统治者自愿提交的合约，一切神秘都烟消云散。合约毫无神秘可言。一个合约必须在人们充分意识到其含义与后果的情况下，才可能签署；合约意味着相关各方的自由认可。如果我们能将国家追溯到这样一个组织，它就成为完全清晰和可理解的事实。（《国家的神话》第 172–173 页）。
The affirmative liberal answer is well-known. It set out from the undeniably true proposition that, mankind being what it is, murderers, robbers, thieves, thugs, and con artists will always exist, and life in society will be impossible if they are not threatened with physical punishment. In order to maintain a liberal social order, liberals insisted, it is necessary that its members be in the position to pressure (by threatening or applying violence) anyone who does not respect the life and property of others to acquiesce to the rules of society. From this correct premise, liberals concluded that this indispensable task of maintaining law and order is the unique function of government.

Whether this conclusion is correct or not hinges on the definition of government. It is correct if government simply means any individual or firm that provides protection and security services to a voluntary paying clientele of private property owners. However, this was not the definition of government adopted by liberals. For a liberal, government is not simply a specialized firm. Rather, government possesses two unique characteristics. Unlike a normal firm, it possesses a compulsory territorial monopoly of jurisdiction (ultimate decisionmaking) and the right to tax. However, if one assumes this definition of government, then the liberal conclusion is false. It does not follow from the right and need for the protection of person and property that protection rightfully should or effectively can be provided by a monopolist of jurisdiction and taxation. To the contrary, it can be demonstrated that any such institution is incompatible with the rightful and effective protection of property.

这一结论是否正确，取决于政府的定义。如果政府只是意味着任何向自愿付款的私产所有者顾客提供保护和保障服务的个人或企业，那么它是正确的。然而，这并非自由主义者采纳的定义。对于自由主义者来说，政府不只是一个特定的企业。相反，政府拥有两个独特的特征。与正常的企业不同，它拥有领土范围内强制垄断的私法决策权（最终决策权）以及征税的权利。然而，如果人们认为政府的定义是这样的，那么，自由主义者的结论就是错误的。从保护人身与财产的权利和需要来看，它 无法 得到这种结论。
According to liberal doctrine, private property rights logically and temporally precede any government. They are the result of acts of original appropriation, production, and/or exchange from prior to later owner and concern the owner's right to exclusive jurisdiction over definite physical resources. In fact, it is the very purpose of private property to establish physically separate domains of exclusive jurisdiction in order to avoid possible conflicts concerning the use of scarce resources. No private property owner can possibly surrender his right to ultimate jurisdiction over and physical protection of his property to someone else unless he sells or otherwise transfers his property (in which case someone else gains exclusive jurisdiction over it). Every property owner may partake of the advantages of the division of labor, however, and seek more or better protection of his property through cooperation with other owners and their property. Every property owner may buy from, sell to, or otherwise contract with anyone else concerning more or better property protection, and every property owner may at any time unilaterally discontinue any such cooperation with others or change his respective affiliations. Thus, in order to meet the demand for protection, it would be rightfully possible and is economically likely that specialized individuals or agencies would arise which would provide protection, insurance, and arbitration services to voluntary clients for a fee.

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根据自由主义学说，私有财产权逻辑上和时间上都先于任何政府。它们是先占、生产或先到者与后来者交换行动之结果，它们与所有者对特定物质资源的排他性管辖权有关。事实上，确立物理上独立主导的排他管辖权，以避免利用有关稀缺资源时发生可能的冲突，正是私有财产的目的。除非出售或者以其他形式移交其财产（在这种情况下，其他人获得了对该财产的排他管辖权），没有哪个私产所有者，会将保护其财产的权利和对财产的终极管辖的权利呈交给另外一个人。然而，每一个财产所有者都可以从劳动分工中获得好处，并通过与其他所有者及其财产合作，寻求对财产更多更好的保护。每一个财产所有者，都可以与任何其他更关切高质高量的财产保护的人交易或订立合约；而且每一个财产所有者任何时候都可以单方面终止类似合作或改变相关附属关系。因此，为了满足保护的需求。
While it is easy to conceive of the contractual origin of a system of competitive security suppliers, it is inconceivable how private property owners could possibly enter a contract which entitled another agent to compel anyone within a given territory to come to it exclusively for protection and judicial decisionmaking, barring any other agent from offering protection services. Such a monopoly-contract would imply that every private property owner had surrendered his right to ultimate decisionmaking and the protection of his person and property permanently to someone else. In effect, in transferring this right onto someone else, a person would submit himself into permanent slavery. According to liberal doctrine, any such submission-contract is from the outset impermissible (hence null and void), because it contradicts the praxeological foundation of all contracts, i.e., private property and individual self-ownership. No one rightfully can or likely will agree to render his person and property permanently defenseless against the actions of someone else. Similarly inconceivable is the notion that anyone would endow his monopolistic protector with the permanent right to tax. No one can or will enter a contract that allowed a protector to determine unilaterally, without consent of the protected, the sum that the protected must pay for his protection.

尽管很容易想象竞争性安保供应商体系的合约性起源，但私产所有者怎么可能订立合约，使另一个代理人有权在给定领土上，强制任何人只能到该代理人这里寻求保护和司法裁决，并禁止其他代理人提供保护，这是不可想象的。这种垄断性的合约意味着，每一个私产所有者都握有将他对自己的人身与财产的终极决策权与保护的权利，永久地交给另一个人。结果是，通过将这种权利让与其他人，人们将自己变成了永久性的奴隶。根据自由主义学说，任何类似自愿为奴的合约（submission-contract）从一开始就是不允许的（因而是非法和无效的），因为它与所有合约的行动学基础，亦即私有财产和个人的自我拥有相冲突。没有任何人能够正当地，或者可能会同意让他自己的人身与财产，在面对他人行动时，永久地

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处于毫无保护的状态。同样不可想象的是这个念头：有人会赋予其垄断性保护者永久征税的权利。没有人能够或愿意订立这种合约：它允许保护者未经被保护者同意，就单方面决定被保护者必须为其保护行动支付多少费用。

Since Locke, liberals have tried to solve this internal contradiction through the makeshift of "tacit," "implicit" or "conceptual" agreements, contracts, or constitutions. Yet all of these characteristically tortuous and confused attempts have only contributed to one and the same unavoidable conclusion: That it is impossible to derive a justification for government from explicit contracts between private property owners.\(^5\)

从洛克开始，自由主义者试图通过“默会的”“隐含的（implicit）”或“概念化”的协议、合约或宪法解决这一内在矛盾。然而，所有这些明显是攻其瑕点和令人困惑的尝试，只能带来一个同样无可避免的结论：不可能从私产所有者之间的明确合约中得出政府的正当性。\(^5\)

\(^5\) 原注: 约翰·洛克 (John Locke) 关于“同意”的观点，参见其《政府论（下）(Two Treatises on Government, Book II)》第119-122节。洛克写道，承认政府并非基于“表达”的同意，但困难的问题在于应该把什么举动看作是默认的同意以及它的约束力多大——即所谓当一个人根本并未作出任何表示时，究竟怎样才可以认为他曾经同意，从而受制于任何政府。对于这个问题，我可以这样说，只要一个人有任何土地或享用任何政府的领土的任何部分，他就是因此表示了他的默认同意，从而在他属于那个政府的任何人一样享用的期间，他必须服从那个政府的法律。这不管他所占有的是属于他和他的子子孙孙的土地，或只是一星期的住处，或只是在公路上自由地旅行；事实上，只要身在那个政府的领土范围以内，就构成某种程度的默认。（第119节）实际上，对洛克来说，一旦政府成立，不管一开头是否首先表示了对其统治的认可，也不管这个政府接下来做些什么，只要人们持续生活在它“领土”上，它的法律，默认地“认可”了它和它的任何作为所作所为。也就是说，根据洛克的意见，每个政府总是拥有一切居住在其司法管辖权之下的人的一致同意，而只有移民——“出走”——才被认为是投了“否决”票，和撤回了对政府的同意。（第121节）


正如洛克早于他们提出的那样，布坎南和图洛克认为没有任何地方的任何政府是建立在明示同意或明示合约之上的。但是，不要担心，他们向我们保证，尽管如此，这不意味着政府不依赖于一致同意。即使存在实际的不认可和真实的反对者，这一事实可能只是模糊了在“宪政选择”和决策层面上，潜在的更深层的认可和全体一致的共识。然而，布坎南和图洛克接着告诉我们，这种潜在于“规则的游戏”中的深度认可，也不是实际的认可——事实上，没有任何一部宪法被每一个人明示认可。相反，它们是他们说的“概念上”的同意和“概念上的”全体一致。通过将一个真实的“否”扭曲成概念化的“是”，布坎南和图洛克接下来告诉我们，将国家诊断为一个相当于私人商业公司的自愿机构：“市场和国家都是组织合作并使合作成为可能的机制。人们通过有组织的市场上交换商品和服务进行合作，这样的合作意味着双赢。个人进入交换关系，通过提供某些直接有利于另一交易方的个体的产

\[^{15}\]
IV 小政府主义自相矛盾，全能政府是其必然结局

Liberalism’s erroneous acceptance of the institution of government as consistent with the basic liberal principles of self-ownership, original appropriation, property, and contract, consequently led to its own destruction.

自由主义错误地接受了政府这一机制，认为它包括了自我所有权、先占、财产和合约等自由主义的基本原则，因此导致了它自己被破坏。

First and foremost, it follows from the initial error concerning the moral status of government that the liberal solution to the eternal human problem of security—a constitutionally limited government—is a contradictory, praxeologically impossible ideal. Contrary to the original liberal intent of safeguarding liberty and property, every minimal government has the inherent tendency to become a maximal government.

首先，从有关政府的道德地位的先天错误中可以看出，对人类永久性的安全问题的自由主义解决方案——一个受宪法限制的政府，是一个自相矛盾的，在行动学上不可能的理想。与自由主义者保卫自由与财产的初衷相反，一切小政府的内在趋势都是成为最大化的政府。

Once the principle of government—judicial monopoly and the power to tax—is incorrectly accepted as just, any notion of restraining government power and safeguarding individual liberty and property is illusory. Predictably, under monopolistic auspices the price of justice and protection will continually rise and the quality of justice and protection fall. A tax-funded protection agency is a contradiction in terms, for it is an impossible ideal. Contrary to the original liberal intent of safeguarding liberty and property, its justificatory logic to become a maximal government.

此外，出于同样的理由，布坎南声称他已经发现了维持现状（无论这现状碰巧是什么）的正当理由。“现状的机制”总是在体现和描述一种“现存的、仍然继续运行的隐性社会契约。”“即使初始条约可能根本没有订立，即使共同体的当前成员感觉到没有道德或伦理义务遵守由现状定义的条款，以及即使……类似合约……可能被多次违反……现状也定义了什么变化是存在的。因此，不管历史如何，它也必须被评估为仿佛是合法的契约。”（布坎南《自由的限制》第 96 页，第 84-85 页）
expropriating property protector that will inevitably lead to more taxes and less protection. Even if, as liberals have proposed, a government limited its activities exclusively to the protection of preexisting private property rights, the further question of how much security to produce would arise. Motivated (as everyone is) by self-interest and the disutility of labor but equipped with the unique power to tax, a government agent's goal will invariably be to maximize expenditures on protection (and almost all of a nation's wealth can conceivably be consumed by the cost of protection) and at the same time to minimize the production of protection. The more money one can spend and the less one must work to produce, the better off one will be.

Moreover, a judicial monopoly will inevitably lead to a steady deterioration in the quality of protection. If no one can appeal for justice except to government, justice will be perverted in favor of the government, constitutions, and supreme courts notwithstanding. Constitutions and supreme courts are government institutions and agencies, and whatever limitations on government action they might contain or find is invariably decided by agents of the very institution under consideration. Predictably, the definition of property and protection will continually be altered and the range of jurisdiction expanded to the government's advantage.

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9 原注：穆瑞·N·罗斯巴德在《为了新自由 (For A New Liberty )》 (New York: Collier, 1978) 第 215-216 页中解释道：

甚至大多数自由放任的支持者，也有持有一个共同的谬见，那就是政府必须提供“警力保护”，仿佛警力保护是单个的绝对实体，一个政府提供给所有人的数量确定的事物。其实，有几无限的多种保护。对于任何给定的人和企业来说，警方可以提供一切。从让一个警察每晚当值巡逻一次，到让两个警察持续在每个街区巡逻，到巡逻车，再到一个甚至几个全天候个人包被。此外，警方必须作出许多其他决定，只要我们揭开绝对“保护”的神秘面纱，这些决定的复杂性就很明显了。警方应该如何分配他们的资金（这些资金总是有限的，正如所有其他个人，组织和机构的资金也是有限的一样）？警方应该在电子设备上投入多少资金？指纹识别设备呢？探员与制服警的资金投入比例呢？巡逻车与步行警的投入比呢？等等……关键是政府没有一种合理的方式来这些分配。政府只知道预算有限。
此外，司法垄断会不可避免地导致安保质量逐步恶化。如果除了诉诸政府之外，人们无法吁求正义，那么尽管存在宪法和最高法院，正义也会被扭曲至对政府有利的地步。宪法是政府的宪法，最高法院是政府机构，无论它们可以对政府行为施加或找到何种限制，也不可避免地要由相关机构来做决定。可以预见的是，财产与保障的定义会持续变化，而司法管辖权的范围会不断扩张，以利于政府。\(^{17}\)

Second, it follows likewise from the error regarding the moral status of government that the traditional liberal preference for and attachment to local (decentralized and territorially small) government is inconsistent and contradictory. Contrary to the original liberal intent, every government, including local government, has an inherent tendency toward centralizing and ultimately becoming a world government.

其次，关于政府道德地位的错误中同样可以看出，传统自由主义者偏爱和迷恋地方（去中心化和小规模领土的）政府，是前后不一和自相矛盾的。\(^{18}\)与自由主义者的初衷相反，每一个政府，包括地方政府，都有中心化和最终成为世界政府的内在趋势。

Once it is incorrectly accepted that in order to protect and enforce peaceful cooperation between two individuals A and B, it is justified and necessary to have a judicial monopolist X, a twofold conclusion follows. If more than one territorial monopolist exists, X, Y, and Z, then, just as there can presumably be no peace among A and B without X, so can there be no peace between the monopolists X, Y, and Z as long as they remain in a "state of anarchy" with each other. Hence, in order to fulfill the liberal desideratum of universal and eternal peace, all political centralization and unification, and ultimately the establishment of a single world government, is justified and necessary.\(^{18}\)

一旦人们错误地认同，为了实行和保护两个个体 A 和 B 之间的和平合作，拥有一个司法垄断者 X 是合理的和必要的，那么就会得出一个双重结论。如果存在更多的领土垄断者，X、Y 和 Z，那么，正如我们假定没有 X，A 和 B 之间不会存在和平那样，只要垄断者 X、Y 和 Z 彼此保持“无政府状态”，那么

\(^{17}\) 原注：穆瑞・N・罗斯巴德在《为了新自由（For A New Liberty）》第 48 页中解释道：

任何宪法都不能自行解释或执行；它必须由人来解释。如果解释宪法的最终权力被赋予政府自己的最高法院，那么不可避免的趋势是，法院将继续给自己的政府批下更广泛的权利。此外，美国政府高度吹捧的“制衡”和“分权”实际上很不可靠，因为分析到最后，所有这些部门都是同一个政府的一部分，都是由同一批统治者来管理的。

\(^{18}\) 原注：关于自由主义者对分权政府的偏好，见威廉・勒普克（Wilhelm Ropke）《Jenseits von Angebot und Nachfrage》（Berne: Paul Haupt, 1979）第 5 章。
Last, it follows from the error of accepting government as just that the ancient idea of the universality of human rights and the unity of law is confused and, under the heading "equality before the law," transformed into a vehicle of egalitarianism. As opposed to the antiegalitarian or even aristocratic sentiment of old liberals, once the idea of universal human rights is combined with government, the result will be egalitarianism and the destruction of human rights.

最后，从认同政府是正义的这一错误来看，人权的普遍性与法律的统一性的古代观念已经被混淆了，并且在“法律面前人人平等”的标语下，它们变成了平等主义的工具。因为反对老一代自由主义者的反平等主义，或者甚至于是贵族主义情感，普遍人权的观念一旦与政府结合，结果就会是平等主义和破坏人权。

Once a government has been incorrectly assumed as just and hereditary princes and kings ruled out as incompatible with the idea of universal human rights, the question of how to square government with the idea of the universality and equality of human rights arises. The liberal answer is to open participation and entry into government on equal terms to everyone via democracy. Everyone—not just the hereditary class of

原注：有趣的是，当各色社会主义者——传统马克思主义者、社会民主主义者、美国“自由主义者”和“新”保守主义者——通常毫不犹豫地接受世界政府，因此至少逻辑一致时，古典自由主义者却很少承认这个事实：根据他们自己学说的逻辑，他们也被迫赞同单一的、统一的世界政府，而不是反过来逻辑不一地坚持去中心化政府。现在，理论上的逻辑一致不一定（会被认为）是件好事，如果一个理论逻辑一致，但是错了，人们很可能承认，逻辑不一致可能更可取。然而，一个逻辑不一致的理论不可能为真（to be true），通过回避其理论立场的逻辑不一致，自由主义者通常忽略了对两个重要的，从他们自己的角度看是“反常”的现象的关注和解释。一方面，如果法律和秩序如他们所宣称的那样，要求一个单一的、垄断的法官和执行者（政府），为什么（比如说）德国商人和美国商人之间的关系，看似正如（比如说）纽约商人与加利福尼亚商人之间的关系一样和平，尽管相前者生活在与他人的“无政府状态”中？难道这不是正面证明了，为了和平而拥有政府并非必要吗？！另一方面，尽管不同国家之间的公民与企业关系，与同样一个国家内的公民和企业关系，既不更和平，也不更紧张，但是，看似同样明显的是，任何一个政府，比如说美国，与其本国公民和与其他（外国）政府及公民的关系，也绝不和平。实际上，在《政府制造的死亡（Death by Government）》（New Brunswick, N.J.: Transaction Publishers, 1995）一书中，鲁道夫·鲁梅尔（Rudolph Rummel）估计，仅仅二十世纪中，政府就应该为接近1.7亿人的死亡负责。那么，这不是正面证明了，自由主义关于“无政府状态”会冲突缠身，而“国家主义”是安全与和平的必要条件的观点，与真相正好相反？

原注：关于自由主义的贵族渊源，见贝特朗·德·儒弗内尔（Bertrand de Jouvenel）《论权力及其增长的自然历史（On Power: The Natural History of its Growth）》（New York: Viking, 1949），尤其是第 17 章：埃里克·冯·库内特-莱迪恩（Erik von Kuehnelt-Leddihn）《自由还是平等（Liberty or Equality）》（Front Royal, Va.: Christendom Press, 1993）。
noble—is permitted to become a government official and exercise every government function. However, this democratic equality before the law is something entirely different from and incompatible with the idea of one universal law, equally applicable to everyone, everywhere, and at all times. In fact, the former objectionable schism and inequality of the higher law of kings versus the subordinate law of ordinary subjects is fully preserved under democracy in the separation of public versus private law and the supremacy of the former over the latter. Under democracy, everyone is equal insofar as entry into government is open to all on equal terms. In a democracy no personal privileges or privileged persons exist. However, functional privileges and privileged functions exist. As long as they act in official capacity, public officials are governed and protected by public law and occupy thereby a privileged position vis-a-vis persons acting under the mere authority of private law (most fundamentally in being permitted to support their own activities by taxes imposed on private law subjects).

Privilege and legal discrimination will not disappear. To the contrary. Rather than being restricted to princes and nobles, privilege, protectionism, and legal discrimination will be available to all and can be exercised by everyone.

一旦不正确地假定政府是正义的，并且因为世袭王公和国王与普遍人权观念不相容而让他们出局，那么，如何使政府与人权的普遍性与平等性相符的问题就产生了。自由主义的答案是通过民主以平等的规定向每一个人开放参与和进入政府的通道。每个人——不只是世袭贵族阶级——都被允许成为政府官员和行使每一项政府职能。然而，这种“民主的法律面前人人平等”与“极普遍法律（one universal law）平等适用于每时每地每个人的观念”完全不同和完全不相容。事实上，在公法与私法相分离、公法高于私法的民主制度下，君王的高级法与普通臣民的从属法之间令人反感的割裂和不平等得到了充分维护。在民主制度下，每个人都是平等的，因而，在平等条款下，政府入口向所有人开放。在民主制度下，不存在个人特权和特权个人。然而，存在功能性特权与特权功能。只要官员以官方身份行事，他们就会受公共法律保护和管理，因而相对于只是在私法权威下行事的人，官员们因此占据了特权地位（最根本的是，他们被允许通过对私法主体征税来支持他们自己的活动）。特权和人定法的歧视没有消失。相比之下，特权、保护主义、立法歧视不局限于王公贵族，而是适用于所有人，并且每个人都可以实施。

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22 原注：兰德•E•巴奈特（Randy E. Barnett）简明扼要地总结了私法和公法的不相容性，见《富勒、法律与无政府主义（Fuller, Law, and Anarchism）》，载于《自由主义论坛》（1976年2月），第7页。
Predictably, under democratic conditions the tendency of every monopoly to increase prices and decrease quality will only be stronger and more pronounced. As hereditary monopolist, a king or prince regarded the territory and people under his jurisdiction as his personal property and engaged in the monopolistic exploitation of his "property." Under democracy, monopoly, and monopolistic exploitation do not disappear. Even if everyone is permitted to enter government, this does eliminate the distinction between the rulers and the ruled. Government and the governed are not one and the same person. Instead of a prince who regards the country as his private property, a temporary and interchangeable caretaker is put in monopolistic charge of the country. The caretaker does not own the country, but as long as he is in office he is permitted to use it to his and his proteges' advantage. He owns its current use—usufruct—but not its capital stock. This will not eliminate exploitation. To the contrary, it will make exploitation less calculating and more likely to be carried out with little or no regard to the capital stock. In other words, exploitation will be shortsighted. Moreover, with free entry into and public participation in government, the perversion of justice will proceed even faster. Instead of protecting preexisting private property rights, democratic government will become a machine for the continual redistribution of preexisting property rights in the name of illusory "social security," until the idea of universal and immutable human rights disappears and is replaced by that of law as positive government-made legislation.

可以预见的是，在民主条件下，每个垄断者加价降质的趋势只会更强、更明显。作为世袭垄断者，国王或王公将其辖下的土地与人民视为其私有财产，并对他的“财产”进行垄断性的开发。在民主制度下，垄断者和垄断性剥削没有消失。即便每个人都允许进入政府，这也不会消除统治者与被统治者之间的区别。政府和被统治者，不是同一个人。与认为国家是其私有财产的王公相反，一个临时的和可替换的看管者被推到掌管国家的垄断者位置上。看管人不拥有国家，但只要他在位，就被允许利用垄断为自己及其从属谋利。他拥有其当前使用权——用益权，但不拥有其资本存量。这不会消除剥削。相反，更确切地说，它让剥削缺乏核算，导致甚少关心，甚至无视其资本存量。换句话说，它是短视的。此外，随着政府被允许自由进入和公共参与，正义被扭曲的进展快多了。与保护先前既存的私
Market

Consider (while private property is not). Indeed, what can a liberal say in favor of less taxation and redistribution?

V 自由主义的未来出路：重回《独立宣言》

In light of this, an answer to the question of the future of liberalism can be sought.

有鉴于此，人们可以寻找未来自由主义对这一问题的答案。

Because of its own fundamental error regarding the moral status of government, liberalism actually contributed to the destruction of everything it had originally set out to preserve and protect: liberty and property. Once the principle of government had been incorrectly accepted, it was only a matter of time until the ultimate triumph of socialism over liberalism. The present neoconservative "End of History" of global U.S. enforced social democracy is the result of two centuries of liberal confusion. Thus, liberalism in its present form has no future. Rather, its future is social democracy, and the future has already arrived (and we know that it does not work).

因为自身关于政府道德地位的根本错误，自由主义实际上有助于破坏它本来打算保存和保护的一切事物：自由与财产。一旦政府原则被错误地接受，社会主义对自由主义的终极胜利，就只是时间问题。当前“新”保守主义标榜的“历史的终结”，即美国强制推广的全球化社会民主主义，是二百年来自由主义混乱的结果。因此，目前这种形式的自由主义没有未来。反之，未来就是社会民主主义，而且未来已经降临（而我们知道，这是行不通的）。

Once the premise of government is accepted, liberals are left without argument when socialists pursue this premise to its logical end. If monopoly is just, then centralization is just. If taxation is just, then more taxation is also just. And if democratic equality is just, then the expropriation of private property owners is just, too (while private property is not). Indeed, what can a liberal say in favor of less taxation and redistribution?

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reversing the state, in order to make it a vehicle for redistribution. (Power and Market, p. 496)
一旦政府这个前提被接受了，当社会主义者将这一前提推向其逻辑终点时，自由主义者无话可说。如果垄断是正义的，那么中心化就是正义的。如果税收是正义的，那么更多的税收也是正义的。而如果民主式的平等是正义的，那么对私有财产所有者的征掠也是正义的（而私有财产则不正义）。实际上，自由主义者在支持更少税收，更少再分配方面，还有什么话可说？

If it is admitted that taxation and monopoly are just, then the liberal has no principle moral case to make.[24] To lower taxes is not a moral imperative. Rather, the liberal case is exclusively an economic one. For instance, lower taxes will produce certain long-run economic benefits. However, at least in the short-run and for some people (the current tax recipients) lower taxes also imply economic costs. Without moral argument at his disposal, a liberal is left only with the tool of cost-benefit analysis, but any such analysis must involve an interpersonal comparison of utility, and such a comparison is impossible (scientifically impermissible).[25] Hence, the outcome of cost-benefit analyses is arbitrary, and every proposal justified with reference to them is mere opinion. In this situation, democratic socialists only appear more upfront, consistent, and consequent, while liberals come across as starry-eyed, confused, and unprincipled or even opportunistic. They accept the basic premise of the current order—of democratic government—but then constantly lament its antiliberal outcome.

如果承认税收和（司法）垄断是正义的，那么自由主义者就无法就任何道德原则提出其理由。[24]降低税收不再是道义上必为之事。相反，自由主义者的理由完全是经济理由。例如，更低的税收会产生某种程度的经济效率。然而，至少在短期，对有些人（当前的税金领取者）来说，更低的税收也意味着要付出经济代价。由于没有可供支撑的道德理据，自由主义者只剩下一个成本-收益这个分析工具，但是任何这类分析都必然涉及跨际效用比较，而这种比较是不可能的（科学上是不允许的）。[25] 因此，成

[24] 原注：因此，罗斯巴德写道：如果政府征税是合法的，为什么不能以提供其他的可能对消费者有利的货物或服务为目的向它的国民征税呢？比如，为什么政府不应该建立钢铁厂、提供鞋子、建设供水、提供邮购服务等等呢？因为这些货物或服务都是对消费者有用的。如果自由放任主义者反对政府建设钢铁厂或鞋厂，进而把这些东西提供给消费者，是出于认为在这些工厂的时候使用了税收强制，那么同样的反对也可以针对政府提供的警察和司法服务。从自由放任主义的立场来看，政府在提供住宅和钢铁的时候不比提供警察保护的时候更加的不讲道德。从而，政府仅限于保护性功能，即使在自由放任主义自自己的理想内部也难以得到支撑，更不用说来自其他方面的考虑了。确实，自由放任主义者理想仍然可能被用来放纵政府的“第二等级”的强制性行为（也就是，超出初始的税收强制的那些强制），比如价格控制或者色情宣布为非法化，但是这种限制在变得更加寸不暇了，也许可能扩展为实质上的完全集体主义，那就是政府只提供货物和服务，但是提供了一切。（《自由的伦理（The Ethics of Liberty）》，第182页，中译引自复旦大学出版社《自由的伦理》）

If liberalism is to have any future, it must repair its fundamental error. Liberals will have to recognize that no government can be contractually justified, that every government is destructive of what they want to preserve, and that protection and the production of security can only be rightfully and effectively undertaken by a system of competitive security suppliers. That is, liberalism will have to be transformed into the theory of private property anarchism (or a private law society), as first outlined nearly one-hundred-fifty years ago by Gustave de Molinari and in our own time fully elaborated by Murray Rothbard.26

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Such a theoretical transformation would have an immediate twofold effect. On the one hand, it would lead to a purification of the contemporary liberal movement. Social democrats in liberal clothes and many high-ranking liberal government functionaries would swiftly disassociate themselves from this new liberal movement. On the other hand, the transformation would lead to the systematic radicalization of the liberal movement. For those members of the movement who still hold on to the classic notion of universal human rights and the idea that self-ownership and private property rights precede all government and legislation, the transition from liberalism to private property anarchism is only a small intellectual step, especially in light of the obvious failure of

26 “意见” (opinion), 与可论证和证明的观点 (argument) 相反，指武断的主观判断。此处指鉴于超人际 (主体) 效用分析不可能，那么成本收益分析无法得出有效的，可以论证的观点，因而只是一种 “意见”。

27 原注：关于古斯塔夫·德·莫利纳里 (Gustave de Molinari) 的著作《安保的生产 (The Production of Security)》(New York: Center for Libertarian Studies, 1977); 大卫·M·哈特 (David M. Hart) 《古斯塔夫·德·莫利纳里与反国家主义的自由主义传统 (Gustave de Molinari and the Anti-Statist Liberal Tradition)》第 1, 2, 3 部分，载于《自由意志主义研究期刊 (Journal of Libertarian Studies)》第 5 卷第 3 期 (1981 年)，第 5 卷第 4 期 (1981 年)，第 6 卷第 1 期 (1982 年); 关于穆瑞·N·罗斯巴德，除了上面提到的作品外，也见其《人、经济和国家 (Man, Economy, and State)》第 2 卷 (Auburn, Ala.: Ludwig von Mises Institute, 1993)。
democratic government to provide the only service that it was ever intended to provide (that of protection). Private property anarchism is simply consistent liberalism; liberalism thought through to its ultimate conclusion, or liberalism restored to its original intent. However, this small theoretical step has momentous practical implications.

这种理论转变会有直接的双重影响。一方面，它会净化当代自由主义运动。披着自由主义外衣的社会民主主义者和许多自由派政府高级官员会飞速地与新自由主义运动脱离关系。另一方面，这种转变会导致自由主义运动系统性地激进化。对于那些仍然坚持普遍人权的古典观念，以及自由所有权和私有财产权优先于所有政府和人定法（legislation）观念的运动成员来说，尤其是鉴于民主政府显然未能提供它曾经打算提供的唯一服务（即保护），从自由主义转变到私有财产无政府主义，只是智识上的一小步。私有财产无政府主义确实是逻辑一致的自由主义；深思熟虑得出最终结论的自由主义，或者恢复了初衷的自由主义。\(^2\)然后，这理论性的一小步具有重大的实践意义。

In taking this step, liberals would renounce their allegiance to the present system, denounce democratic government as illegitimate, and reclaim their right to self-protection. Politically, with this step they would return to the very beginnings of liberalism as a revolutionary creed. In denying the validity of all hereditary privileges, classical liberals would be placed in fundamental opposition to all established governments. Characteristically, liberalism's greatest political triumph—the American Revolution—was the outcome of a secessionist war.\(^2\) And in the Declaration of Independence, in justifying the actions of the American colonists, Jefferson affirmed that "governments are instituted among men, deriving their just powers from the consent of the governed, " to secure the right to "life, liberty, and the pursuit of happiness"; and

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\(^2\) 原注：兰德・E・巴奈特（Randy E. Barnett）简明扼要地总结了私法和公法的不相容性，见《富勒、法律与无政府主义（Fuller, Law, and Anarchism》），载于《自由主义论坛》（1976年2月），第7页。
that whenever any form of government becomes destructive of these ends, it is the right of the
people to alter or abolish it, and to institute new government, laying its foundation on such
principles, and organizing its powers in such form, as to them shall seem most likely to effect
their safety and happiness.

Private property anarchists would only reaffirm the classic liberal right "to throw off such government,
and to provide new guards for their future security."

Of course, by itself the renewed radicalism of the liberal movement would be of little consequence (although
as the American Revolution teaches, radicalism may well be popular). Instead, it is the inspiring vision of a

29 原注：美国革命的激进主义意识形态来源见贝林（Bernard Bailyn）《美国革命的意识形态渊源（The
Ideological Origins of the American Revolution）》(Cambridge, Mass.: Harvard University Press, 1967); 穆瑞 •N • 罗
斯巴德《孕育于自由之中（Conceived in Liberty）》第 4 卷 (New Rochelle, N.Y.: Arlington House, 1975–1979)。如
果这一自由主义的替代版本在公共舆论中获得重要地位，社会民主主义 “历史的终结”之终结，会带来自由主义的复兴。

30 汉译引自裴孝贤(Donald M. Bishop)编：《美国历史文献选集》(中国翻译出版公司翻译，美国新闻处 (香港) 校订，美
国驻华大使馆新闻文化处 1985 年出版)，稍有修改。
fundamental alternative to the present system which flows from this new radicalism that will finally break the social democratic machine. Rather than supranational political integration, world-government, constitutions, courts, banks, and money, global social democracy, and universal and ubiquitous multiculturalism, anarchist-liberals propose the decomposition of the nation state into its constituent heterogeneous parts. As their classic forebears, new liberals do not seek to take over any government. They ignore government. They only want to be left alone by government, and secede from its jurisdiction to organize their own protection. Unlike their predecessors who merely sought to replace a larger government with a smaller one, however, new liberals pursue the logic of secession to its end. They propose unlimited secession, i.e., the unrestricted proliferation of independent free territories, until the state's range of jurisdiction finally withers away. To this end—and in complete contrast to the statist projects of "European Integration" and a "New World Order"—they promote the vision of a world of tens of thousands of free countries, regions, and cantons, of hundreds of thousands of independent free cities—such as the present-day oddities of Monaco, Andorra, San Marino, Liechtenstein, (formerly) Hong Kong, and Singapore—and even more numerous free districts and neighborhoods, economically integrated through free trade (the smaller the territory, the greater the economic pressure of opting for free trade!) and an international gold-commodity money standard.

当然，这种翻新的激进自由主义运动本身可能没什么结果（尽管美国革命告诉我们，激进主义也可能在大众中流行）。相反，从这种激进主义中会产生对现行体制的根本性的替代方案，正是该方案之令人鼓舞的雄心，最终会摧毁社会民主主义的（国家）机器。与超国家的政治一体化，世界政府、世界宪法、世界法庭、世界银行和世界货币，全球化的社会民主主义，以及普遍的和无处不在的多元文化主义相反，无政府自由主义者提出，将民族国家肢解为异质的组成部分。与他们的古典时代先驱一样，新自由主义者（new liberals）并不寻求接管任何政府。他们无视政府。他们只想远离政府，只想逃出政府管辖权的魔爪，自己组织防卫。然而，不像那些只是寻求以小政府取代大政府的前辈，新自由主义者追求将分离主义推向其逻辑终点。他们主张无限制的分离主义，即追求独立的自由领土的无限制增长，直至国家的司法管辖范围最终彻底凋零。31为此，他们宣扬这样一种世界前景：它由成千上万
自由国家、地区、州县和成千上万独立的自由城市——诸如当代的摩纳哥、安哥拉、圣马力诺、列支敦士登、（之前的）香港以及新加坡——以及更大数量的自由街区和社区组成，它们通过自由贸易（领土越小，进行自由贸易的经济压力就越大）实现经济一体化，并实行国际化的黄金-商品货币本位制，——这种前景与“欧洲一体化”和新的“世界秩序”的国家主义方案彻底相反。

同上《权力与市场（Power and Market）》（第4-5页），同上《自由放任激进化：对米塞斯的历史探索（The Laissez-Faire Radical: A Quest for the Historical Mises）》，载于《自由意志主义研究期刊（Journal of Libertarian Studies）》第5卷第3期（1981）。
第十二章 论政府与私人的防卫生产

12 On Government and the Private Production of Defense

It is the right of the people to alter or abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.

(Declaration of Independence)

人民有权改变或废除它，以及有权建立一个新政府；其赖以奠基的原则，其组织权力的方式，务使人民认为唯有这样才最可能实现他们的安全和幸福。

——《独立宣言》

Ⅰ 防卫的私人生产

Among the most popular and consequential beliefs of our age is the belief in collective security. Nothing less significant than the legitimacy of the modern state rests on this belief.

我们这个时代之中，最盛行、最至关紧要的信念，莫过于集体安保（collective security）。现代国家的合法性最为依赖这一信念。

I will demonstrate that the idea of collective security is a myth that provides no justification for the modern state, and that all security is and must be private. First off, I will present a two-step reconstruction of the myth of collective security, and at each step raise a few theoretical concerns.

我将论证集体安保的理念是一种神话，它无法为现代国家提供合法性依据，并且所有安保都是且必须是私有的。然而，在进入结论之前，让我先从问题开始。首先，我会提出两个步骤重构集体安保神话，并在每一步上都提出一些理论关切。

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The myth of collective security can also be called the Hobbesian myth. Thomas Hobbes, and countless political philosophers and economists after him, argued that in the state of nature, men would constantly be at each others' throats. *Homo homini lupus est.* Put in modern jargon, in the state of nature a permanent 'underproduction' of security would prevail. Each individual, left to his own devices and provisions, would spend "too little" on his own defense, resulting in permanent interpersonal warfare. The solution to this presumably intolerable situation, according to Hobbes and his followers, is the establishment of a state. In order to institute peaceful cooperation among themselves, two individuals, A and B, require a third independent party, S, as ultimate judge and peacemaker. However, this third party, S, is not just another individual, and the good provided by S, that of of security, is not just another "private" good. Rather, S is a sovereign and has as such two unique powers. On the one hand, S can insist that his subjects, A and B, not seek protection from anyone but him; that is, S is a compulsory territorial monopolist of protection. On the other hand, S can determine unilaterally how much A and B must spend on their own security; that is, S has the power to impose taxes in order to provide security "collectively."

There is little use in quarreling over whether man is as bad and wolf-like as Hobbes supposes or not, except to note that Hobbes's thesis obviously cannot mean that man is driven only and exclusively by aggressive instincts. If this were the case, mankind would have died out long ago. The fact that he did not demonstrates that man also possesses reason and is capable of constraining his natural impulses. The quarrel is only with the Hobbesian solution. *Given man's nature as a rational animal,* is the proposed solution to the problem of insecurity an improvement? Can the institution of a state reduce aggressive behavior and promote peaceful cooperation, and thus provide for better private security and protection? The difficulties with Hobbes's argument are obvious. For one, regardless of how bad men are, S—whether king, dictator, or elected
In reviewing this viewpoint, one must consider if the state is the result of some sort of "constitutional" contract. Yet who in his right mind would agree to a contract that allowed one's protector to determine unilaterally the sum that the protected must pay for his protection? The fact is no one ever had! The state is irrevocably a protection racket. There is no one ever has!

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Let me interrupt my discussion and return to the reconstruction of the Hobbesian myth. Once it is assumed that in order to institute peaceful cooperation between A and B it is necessary to have a state S, a two-fold conclusion follows. If more than one state exists, S1, S2, S3, then, just as there can presumably be no peace among A and B without S, so can there be no peace between the states S1, S2, and S3 as long as they remain in a state of nature (i.e., a state of anarchy) with regard to each other. Consequently, in order to achieve universal peace, political centralization, unification, and ultimately the establishment of a single world government, are necessary.

容我再次打断自己的讨论，并回到霍布斯神话的重构。一旦假定为了让 A 和 B 实现和平合作，需要有一个国家 S，接下来就会出现两方面的结论。如果存在多个国家 S1、S2 和 S3，于是，正如 A 和 B 之间没有 S 就大概不会有和平，只要 S1、S2 和 S3 之间仍保持自然状态（即无政府状态），它们之间也不会有和平。因此，为了实现普遍和平，需要政治集中、统一，并最终建立一个单一世界政府。

It is useful to indicate what can be taken as noncontroversial. To begin with, the argument is correct, as far as it goes. If the premise is correct, then the consequence spelled out does follow. As well, the empirical assumptions involved in the Hobbesian account appear at first glance to be borne out by the facts. It is true that states are constantly at war with each other, and a historical tendency toward political centralization and global rule does indeed appear to be occurring. Quarrels arise only with the explanation of this fact and tendency, and the classification of a single unified world state as an improvement in the provision of private security and protection. There appears to be an empirical anomaly for which the Hobbesian argument cannot account. The reason for the warring among different states S1, S2, and S3, according to Hobbes, is that they are in a state of anarchy vis-a-vis each other. However, before the arrival of a single world state not only are S1, S2, and S3 in a state of anarchy relative to each other but in fact every subject of one state is in a state of anarchy vis-a-vis every subject of any other state. Accordingly, just as much war and aggression should exist between the private citizens of various states as between different states. Empirically, however, this is not so. The private dealings between foreigners appear to be significantly less war-like than the dealings between different governments. Nor does this seem to be surprising. After all, a state agent S, in contrast to everyone

2 原注：关于这一点，请参见利桑德·斯普纳（Lysander Spooner）《不存在叛国：宪法没有权威（No Treason: The Constitution of No Authority）》（Larkspur, Colo.: Pine Tree Press, 1996）。
of its subjects, can rely on domestic taxation in the conduct of his "foreign affairs." Given his natural human aggressiveness, is it not obvious that S will be more brazen and aggressive in his conduct toward foreigners if he can externalize the cost of such behavior onto others? Surely, I would be willing to take greater risks and engage in more provocation and aggression if I could make others pay for it. And surely there would be a tendency of one state—one protection racket—to want to expand its territorial protection monopoly at the expense of other states and thus bring about world government as the ultimate result of interstate competition.Do But how is this an improvement in the provision of private security and protection? The opposite seems to be the case. The world state is the winner of all wars and the last surviving protection racket. Doesn't this make it particularly dangerous? Will not the physical power of any single world government be overwhelming as compared to that of any one of its individual subjects?

In commenting on this statement, there is a necessary disclaimer in which there are no factual disagreements. First, as its own statement, this statement is correct. If the premise is correct, it will appear in its commentary. While Hobbes's statement involves the experience in the competition between states, it is not unreasonable to consider states as they exist. In the competition between states, the world state is the winner of all wars and the last surviving protection racket. This may be particularly dangerous. Will not the physical power of any single world government be overwhelming as compared to that of any one of its individual subjects?

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II 经验证据

1 原注：见汉斯-赫尔曼・霍普《古典自由主义的难题 (The Trouble with Classical Liberalism)》，载于《罗斯巴德・罗克韦尔报告 (Rothbard-Rockwell Report)》第9卷第4期 (1998)。
Let me pause in my abstract theoretical considerations to take a brief look at the empirical evidence bearing on the issue at hand. As noted at the outset, the myth of collective security is as widespread as it is consequential. I am not aware of any survey on this matter, but I would venture to predict that the Hobbesian myth is accepted more or less unquestioningly by well over 90 percent of the adult population; that a state is indispensable for protection and defense. However, to believe something does not make it true. Rather, if what one believes is false, one's actions will lead to failure. What about the evidence? Does it support Hobbes and his followers, or does it confirm the opposite anarchist fears and contentions?

The U.S. was explicitly founded as a "protective" state a la Hobbes. Let me quote to this effect from Jefferson's Declaration of Independence:

We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with inalienable rights; that among these are life, liberty, and the pursuit of happiness: that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

Here we have it: The U.S. government was instituted to fulfill one and only one task: the protection of life and property. Thus, it should provide the perfect example for judging the validity of the Hobbesian claim as
to the status of states as protectors. After more than two centuries of protective statism, what is the status of our protection and peaceful human cooperation? Was the American experiment in protective statism a success?

According to the pronouncements of our state rulers and their intellectual bodyguards (of whom there are more than ever before), we are better protected and more secure than ever. We are supposedly protected from global warming and cooling, from the extinction of animals and plants, from the abuses of husbands and wives, parents and employers, from poverty, disease, disaster, ignorance, prejudice, racism, sexism, homophobia, and countless other public enemies and dangers. In fact, however, matters are strikingly different. In order to provide us with all this 'protection,' the state managers expropriate more than 40 percent of the incomes of private producers year in and year out. Government debt and liabilities have increased uninterruptedly, thus increasing the need for future expropriations. Owing to the substitution of government paper money for gold, financial insecurity has increased sharply, and we are continually robbed through currency depreciation. Every detail of private life, property, trade, and contract is regulated by ever higher mountains of laws (legislation), thereby creating permanent legal uncertainty and moral hazard. In particular, we have been gradually stripped of the right to exclusion implied in the very concept of private property. As sellers we cannot sell to and as buyers we cannot buy from whomever we wish. And as members of associations we are not permitted to enter into whatever restrictive covenant we believe to be mutually beneficial. As Americans, we must accept immigrants we do not want as our neighbors. As teachers, we cannot get rid of ill-behaved students. As employers, we are stuck with incompetent or destructive employees. As landlords, we are forced to cope with bad tenants. As bankers and insurers, we are not allowed to avoid bad risks. As restaurant or bar owners, we must accommodate unwelcome customers. And as members of private associations, we are compelled to accept individuals and actions in violation of our own rules and restrictions. In short, the more the state has increased its expenditures on 'social' security and 'public' safety, the more our private property rights have been eroded, the more our property has been expropriated, confiscated, destroyed, or depreciated, and the more we have been deprived of the very foundation of all protection: economic independence, financial strength, and personal wealth. The path of every president and practically every member of Congress is littered with hundreds of thousands of nameless victims of personal economic ruin, financial bankruptcy, emergency, impoverishment, despair, hardship, and frustration. The picture appears even bleaker when we consider foreign affairs. Seldom during its entire history has the
continental U.S. been territorially attacked by any foreign army. (Pearl Harbor was the result of a preceding U.S. provocation.) Yet the U.S. has the distinction of having had a government that declared war against a large part of its own population and engaged in the wanton murder of hundreds of thousands of its own citizens. Moreover, while the relations between American citizens and foreigners do not appear to be unusually contentious, almost from its very beginnings the U.S. government relentlessly pursued aggressive expansionism. Beginning with the Spanish-American war, reaching a peak in World War I and World War II, and continuing to the present, the U.S. government has become entangled in hundreds of foreign conflicts and risen to the rank of the world's dominant imperialist power. Thus, nearly every president since the turn of this century has also been responsible for the murder, killing, or starvation of countless innocent foreigners all over the world. In short, while we have become more helpless, impoverished, threatened and insecure, the U.S. government has become ever more brazen and aggressive. In the name of "national" security, it "defends" us, equipped with enormous stockpiles of weapons of aggression and mass destruction, by bullying ever new "Hitlers," big or small, and all suspected Hitlerite sympathizers anywhere and everywhere outside of the territory of the U.S. 

根据我们的国家统治者及其（数量前所未有的）智识保镖的宣言，我们所受到的保护比以往任何时候都更好，我们比以往任何时候都更安全。他们认为我们应该被保护起来，以免受全球变暖或变冷之害，免受动植物灭绝之害，免受夫妻、父母和雇主之伤害，免受贫困、疾病、灾害、无知、偏见、种族主义、性别歧视、恐同主义以及其他数不尽的公敌和危险之害。但事实上远非这么回事。为了向我们提供这些“保护”，国家管理者年复一年地征掠私人生产者 40% 以上的收入。政府债务和负债的增长从未间断，因此，未来的征掠需求不断增加。由于政府用纸币替代黄金，金融的不安全性大幅增加，并且我们不断被通过货币贬值抢劫。私人生活、财产、贸易和契约的每个细节都被前所未有的繁冗法律（立法）所管制，从而制造了持久的法律不确定性及道德风险。尤其是，我们的隐含在私有财产概念中的排斥权利，一步步遭到剥夺。作为卖家，我们无法把东西卖给我们的销售对象；作为买家，我们也无法从我们的购买对象那里买东西。作为社团成员，我们不被允许缔结任何我们认为会互利互惠的限制性盟约。作为美国人，我们必须接受我们不愿与之为邻的移民。作为教师，我们不能摆脱行为病态的学生。作为雇主，我们必须和不称职或者具有破坏性的员工继续相处。作为房东，我们被迫应付糟糕的租户。作为银行家和保险从业者，我们不被允许避免糟糕的风险。作为餐厅或酒吧老板，我们必须接纳不受欢迎的顾客。作为私人协会的成员，我们被迫接受违反我们会章程的个人和行为。总之，国家越是扩大“社会”安保与“公共”安全支出，我们的私人财产权就被侵犯得越多，我们的财产就被征掠、被征没、被破坏或被贬值得越严重，所有保护的基础：经济独立、财务实力和个人财富就被剥夺得越多。4

4 原注：见汉斯·赫尔曼·霍普《右派会错向何方？（Where the Right Goes Wrong）》，载于《罗斯巴德·罗克韦尔报告 Rothbard-Rockwell Report 》第 8 卷第 4 期（1997）。
破产、突发意外、贫困、绝望、艰难与受挫的无名受害者铺就的。谈到外交事务时，景象更为惨淡。
整个美国史中，美国本土大陆几乎没有遭遇过外国军队的攻击。（珍珠港事件是由于美国挑衅在先。）
然而，美国却有一个与众不同的政府，它向本国大部分人口宣战，并肆意杀害成千上万本国公民。此外，尽管美国公民与外国人并未出现不寻常的争议，但几乎从成立伊始，美国政府就无情地推行侵略扩张主义。从美西战争开始，到两次世界大战达到顶峰，一直持续至今，美国政府卷入了数百起外国冲突，跻身于全世界统治性的帝国主义列强之列。因此，自本世纪开始以来，几乎每一位总统都要为全世界无数无辜的外国人的遇害和饥荒负责。简言之，当我们越来越无助、越来越贫困、越来越不安全、所受的威胁越来越多时，美国政府反而越来越肆无忌惮和富有侵略性。它以“国家”安全之名装备大量侵略性和大规模杀伤性武器，通过欺凌美国领土以外无处不在的那些大大小小的新“希特勒”以及一切疑似的希特勒同情者，来“保护”我们。⑤

The empirical evidence thus seems clear. The belief in a protective state appears to be a patent error， and the American experiment in protective statism a complete failure. The U.S. government does not protect us. To the contrary， there exists no greater danger to our life， property， and prosperity than the U.S. government， and the U.S. president in particular is the world's single most threatening and armed danger， capable of ruining everyone who opposes him and destroying the entire globe.

因此，经验证据似乎很清楚。保护性国家的信念看起来是个明显的错误，而美国的保护性国家主义实验则是彻头彻尾的失败。美国政府并未保护我们。相反，美国政府是我们生命、财产与繁荣的最大威胁，特别是美国总统，他是全世界最有威胁的单个的武装危险，拥有着毁灭所有反对者和摧毁整个地球的能力。

III 如何看待国家主义的反应

Statists react much like socialists when faced with the dismal economic performance of the Soviet Union and its satellites. They do not necessarily deny the disappointing facts, but they try to argue them away by claiming that these facts are the result of a systematic discrepancy (deviancy) between "real" and "ideal" or "true" statism (respectively socialism). To this day, socialists claim that "true" socialism has not been refuted by the empirical evidence, and that everything would have turned out well and unparalleled prosperity would have resulted if only Trotsky's, or Bukharin's, or better still their very own brand of socialism, rather than Stalin's, had been implemented. Similarly, statists interpret all seemingly contradictory evidence as only accidental. If only some other president had come to power at this or that turn in history or if only this or that constitutional change or amendment had been adopted, everything would have turned out beautifully, and unparalleled security and peace would have resulted. Indeed, this may still happen in the future, if their own policies are employed.

国家主义者，就其反应而言，很像社会主义者面对苏联及其卫星国的惨淡经济表现时的反应。他们不一定会否认令人失望的事实，但与为社会主义辩护一样，他们试图通过声称这些事实是“现实”与“理想”或“真正”国家主义之间系统性差异（偏差）的结构来进行争辩。时至今日，社会主义者声称经验证据未能驳倒“真正”的社会主义，如果加以施行的不是斯大林版本的社会主义，而是托洛斯基（Trotsky）、布哈林（Bucharin），或者最好是他们自己版本的社会主义，一切都会变好，并会产生空前繁荣。同样，国家主义者把这些看似矛盾的证据都解释为纯粹意外。如果历史上这次或那次是其他总统上台，或者如果通过了这次或那次宪法变更或修订，一切都会变得很美好，会产生空前安全与和平。确实，如果采用了他们自己的政策，这在将来或许还会发生。

We have learned from Ludwig von Mises how to respond to the socialists' evasion (immunization) strategy. As long as the defining characteristic—the essence—of socialism, i.e., the absence of the private ownership of factors of production, remains in place, no reform will be of any help. The idea of a socialist economy is a contradiction in terms, and the claim that socialism represents a 'higher', more efficient mode of social production is absurd. In order to reach one's own ends efficiently and without waste within the framework of an exchange economy based on division of labor, it is necessary that one engage in monetary calculation (cost-accounting). Everywhere outside the system of a primitive self-sufficient single household economy, monetary calculation is the sole tool of rational and efficient action. Only by comparing
inputs and outputs arithmetically in terms of a common medium of exchange (money) can a person determine whether his actions are successful or not. In distinct contrast, socialism means to have no economy, no economizing, at all, because under these conditions monetary calculation and cost-accounting is impossible by definition. If no private property in factors of production exists, then no prices for any production factor exists, hence, it is impossible to determine whether or not they are employed economically. Accordingly, socialism is not a higher mode of production but rather economic chaos and regression to primitivism.

How to respond to the statists' evasion strategy has been explained by Murray N. Rothbard. But Rothbard's lesson, while equally simple and clear and of even more momentous implications, has remained to this day far less known and appreciated. So long as the defining characteristic—the essence—of a state remains in place, he explained, no reform, whether of personnel or constitutional, will be to any avail. Given the principle of government—judicial monopoly and the power to tax—any notion of limiting its power and safeguarding individual life and property is illusory. Under monopolistic auspices the price of justice and protection must rise and its quality must fall. A tax-funded protection agency is a contradiction in terms and will lead to ever more taxes and less protection. Even if a government limited its activities exclusively to the protection of preexisting property rights (as every "protective" state is supposed to do), the further question of how much security to provide would arise. Motivated (like everyone else) by self-interest and the disutility of labor but with the unique power to tax, a government's answer will invariably be the same: to maximize expenditures on protection—and almost all of a nations' wealth can conceivably be consumed by the cost of protection—and at the same time to minimize the production of protection. Furthermore, a judicial

6 原注：路徳维希·冯·米塞斯《社会主义：经济学与社会学分析 (Socialism. An Economic and Sociological Analysis)》(Indianapolis, Ind. : Liberty Fund, 1981); 汉斯·赫尔曼·霍普《社会主义和资本主义理论 (A Theory of Socialism and Capitalism)》(Boston: Kluwer, 1989), 第6章。
monopoly must lead to a deterioration in the quality of justice and protection. If one can only appeal to government for justice and protection, justice and protection will be perverted in favor of government, constitutions and supreme courts notwithstanding. After all, constitutions and supreme courts are state constitutions and courts, and whatever limitations to government action they might contain is determined by agents of the very institution under consideration. Accordingly, the definition of property and protection will continually be altered and the range of jurisdiction expanded to the government's advantage.

穆瑞·N. 罗斯巴德解释了如何应对国家主义者的回避策略。虽然罗斯巴德的理论同样简洁明了，甚至更为意义深远，但直至今日仍未广为人知。他解释到，只要国家主义的本质特征不变，人事或宪法上的任何改革都将无济于事。鉴于政府的原则——即司法垄断和征税的权力，任何限制政府权力和保障个人生命财产的概念都是假象。在司法垄断之下，正义与保护的价格必然上升，而质量必然下降。一个由税金资助的保护机构，本身就是一种矛盾，并将导致比任何时候都更多的税收和更少的保护。即便政府活动被限制在专门保护已有财产权上（正如每个保护型国家应该做的那样），会出现进一步的问题：应该提供多少安保呢？政府（和其他所有人一样）受到自利和劳动负效用的激励，却独享征税的权力，政府的回答将会一成不变：最大化用于保护的支出（可以想象几乎整个国家的财富都能以保护之名被消耗），与此同时，最小化保护的生产。此外，司法垄断必将导致正义与保护的质量降低。如果一个人只能通过政府寻求正义与保护，正义与保护就会被扭曲，以利于政府、宪法和哪怕是最高法院。毕竟，宪法和最高法院是国家的宪法和法院，不论它们包含了对政府行为的何种约束，决定这些制约的人正是政府这个我们正在讨论的机构的职员。因此，为了让政府取得优势，财产与保护的定义将被不断修改，而司法管辖权的范围会被扩大。

Hence, Rothbard pointed out, it follows that just as socialism cannot be reformed but must be abolished in order to achieve prosperity, so can the institution of the state not be reformed but must be abolished in order to achieve justice and protection. "Defense in the free society (including such defense services to person and property as police protection and judicial findings)," Rothbard concluded,

因此，罗斯巴德指出，正如为了达到繁荣，需要废除而非改良社会主义，同样，为了达到正义和保护，需要废除而非改良国家机构。“自由社会中的防卫（包括提供如警察保护和司法调查这样的人身及财产防卫服务），”罗斯巴德总结道，
would therefore have to be supplied by people or firms who (a) gained their revenue voluntarily rather than by coercion and (b) did not—as the State does—arrogate to themselves a compulsory monopoly of police or judicial protection.... defense firms would have to be as freely competitive and as noncoercive against noninvaders as are all other suppliers of goods and services on the free market. Defense services, like all other services, would be marketable and marketable only.

“I now must take on the task of constructing the positive case for private security and seek better protection of his property than that afforded through self-defense by cooperation with other owners and their property. Anyone could buy from, sell to, or otherwise contract with anyone else concerning protective and judicial services, and one could at any time unilaterally discontinue any such cooperation with others and fall back on self-reliant defense or change one’s protective affiliations.

That is, every private property owner would be able to partake of the advantages of the division of labor and seek better protection of his property than that afforded through self-defense by cooperation with other owners and their property. Anyone could buy from, sell to, or otherwise contract with anyone else concerning protective and judicial services, and one could at any time unilaterally discontinue any such cooperation with others and fall back on self-reliant defense or change one’s protective affiliations.

也就是说，通过和其他所有者及其财产合作，每个私人财产所有者都能获得劳动分工的好处，并且比起自卫所能提供的，可以为自己的财产寻求更好的保护。任何人都可以向他人购买、出售或者以其他方式缔结有关保护与司法服务的契约，而任何一方都可以随时单方面终止与他人合作的契约，回到自主防卫，或者改变保护关系。

IV 私人安保的案例

Having reconstructed the myth of collective security—the myth of the state—and criticized it on theoretical and empirical grounds, I now must take on the task of constructing the positive case for private security and protection. In order to dispel the myth of collective security, it is not just sufficient to grasp the error involved in the idea of a protective state. It is just as important, if not more so, to gain a clear understanding of how the nonstatist security alternative would effectively work. Rothbard, building on the

8 原注: 穆瑞·N·罗斯巴德《权力与市场 (Power and Market)》(Kansas City: Sheed Andrews and McMeel, 1977), 第2页。
Widespread agreement exists among liberal-libertarians such as Molinari, Rothbard, and the Tannehills as well as most other commentators on the matter that defense is a form of insurance, and defense expenditures represent a sort of insurance premium (price). Accordingly, as Rothbard and the Tannehills in particular would emphasize, within the framework of a complex modern economy based on worldwide division of labor, the most likely candidates to offer protection and defense services are insurance agencies. The better the protection of insured property, the lower are the damage claims and hence an insurer’s costs. Thus, to provide efficient protection appears to be in every insurer’s own financial interest. Indeed, although restricted and hampered by the state, even now insurance agencies provide wideranging services of protection and indemnification (compensation) to injured private parties. Insurance companies fulfill a second essential requirement. Obviously, anyone offering protection services must appear able to deliver on his promises in order to find clients. That is, he must possess the economic means—the manpower as well as the physical resources—necessary to accomplish the task of dealing with the dangers, actual or imagined, of the real world.

9. The pathbreaking analysis of the French-Belgian economist Gustave de Molinari, has given us a sketch of the workings of a free-market system of protection and defense. As well, we are in debt to Morris and Linda Tannehill for their brilliant insights and analyses in this regard. Following their lead, I will proceed with my analysis and provide a more comprehensive view of the alternative—nonstatist—system of security production and its ability to handle attacks, not just by individuals or gangs but in particular also by states.

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9. 原注: 古斯塔夫·德·莫利纳里（Gustave de Molinari）《安保的生产（The Production of Security）》（New York: Center for Libertarian Studies, 1977）

10. 原注: 穆瑞·N·罗斯巴德《权力与市场（Power and Market）》第1章: 同上《为了新自由（For A New Liberty）》（New York: Collier，1978），第12、14章。

world. On this count insurance agencies appear to be perfect candidates, too. They operate on a nationwide and even international scale, and they own large property holdings dispersed over wide territories and beyond single state boundaries. Accordingly, they have a manifest self-interest in effective protection, and are 'big' and economically powerful. Furthermore, all insurance companies are connected through a network of contractual agreements of mutual assistance and arbitration as well as a system of international reinsurance agencies, representing a combined economic power which dwarfs that of most existing governments.

Molyneux, Rothbard, Tansley, and other libertarians, and most other commentators, have an agreement: defense is an insurable risk. Thus, for instance, or against burning down my own house, becoming unemployed, not feeling like getting out of bed in the morning, or not suffering entrepreneurial losses, because in each case I have full or partial control over the likelihood of the respective outcome. Risks such as these must be assumed individually. No one but I can possibly deal with them. Hence, the first question must be what makes protection and defense an insurable rather than an uninsurable risk? After all, as we have just seen, this is not self-evident. In fact, does not everyone have considerable control over the likelihood of an attack on and invasion of his person and property? Do I not deliberately bring about an attack by assaulting or provoking someone else, for instance, and is not protection then an uninsurable risk, like suicide or unemployment, for which each person must assume sole responsibility?
我想进一步分析并系统性阐明这一提议：保护和防卫是“保险”，可以由保险机构提供。为了达到这个目标，必须解决两个问题。首先，不可能对自己生活中的一切风险投保。例如，我不能替自杀、烧毁自己的房子、失业、早上起不了床、企业亏损等名目投保，因为在上述情况下我不能全部或部分控制相应结果。这些风险必须独自承担。除了由我以外，没有人能够应对它们。因此，第一个问题是，保护和防卫为什么是一种可以投保而非不能投保的风险？说到底，正如我们刚才所见，这个问题并非不证自明。实际上，面对人身和财产受攻击或侵犯的可能性时，难道不是每个人都拥有相当大的控制权吗？例如，如果遭到攻击是因为我故意侵扰或者挑衅别人，难道这种攻击不应该像自杀或失业那样是必须独自承担的不可投保风险吗？

The answer is a qualified yes and no. Yes, insofar as no one can possibly offer unconditional protection, i.e., insurance against any invasion whatsoever. That is, unconditional protection can only be provided, if at all, by each individual on his own and for himself. But the answer is no, insofar as conditional protection is concerned. Only attacks and invasions that are provoked by the victim cannot be insured. Unprovoked and thus 'accidental' attacks can be insured against, however. That is, protection becomes an insurable good only if and insofar as an insurance agent contractually restricts the actions of the insured so as to exclude every possible 'provocation' on their part. Various insurance companies may differ with respect to the specific definition of provocation, but there can be no difference between insurers with regard to the principle that everyone must systematically exclude (prohibit) all provocative and aggressive action among its own clients.

答案既可以是肯定的也是可以否定的。是的，迄今为止没有人可以提供无条件保护，即替任何侵犯担保。也就是说，如果存在的话，无条件保护只能由每个人自己提供。但是，就有条件保护的范围内而言，答案是否定的。只有被害人挑起的攻击和入侵不能投保。然而，无人挑起的“意外”攻击则可以投保。也就是说，只有在保险机构以合约限制被保险人的行为，以排除其本方一切可能的“挑衅”时，保护才成为可投保商品。各家公司对挑衅的具体定义可能不同，但在系统性排除（禁止）他们自己的客户的挑衅和侵略性行为的原则方面，则不会有太大区别。

As elementary as this first insight into the essentially defensive—nonaggressive and nonprovocative—nature of protection-insurance may seem, it is of fundamental importance. For one, it implies that any known aggressor and provocateur would be unable to find an insurer, and hence, would be economically isolated, weak and vulnerable. On the other hand, it implies that anyone wanting more protection than that afforded by self-reliant self-defense could do so only if and insofar as he submitted himself to specified norms of nonaggressive, civilized conduct. Further, the greater the number of insured people—and in a modern exchange economy most people want more than just self-defense for their protection—the greater would be the economic pressure on the remaining uninsured to adopt the same or similar standards of nonaggressive social conduct. Moreover, as the result of competition between insurers for voluntarily paying clients, a tendency toward falling prices per insured property values would come about.

At the same time, a system of competing insurers would have a twofold impact on the development of law and thus contribute further to reduce conflict. On the one hand, the system would allow for systematically increased variability and flexibility of law. Rather than imposing a uniform set of standards onto everyone (as under statist conditions), insurance agencies could and would compete against each other not just via price but in particular also through product differentiation and development. Insurers could and would differ and distinguish themselves with respect to the behavioral code imposed on and expected of their clients, with respect to rules of evidence and procedure, and/or with respect to the sort and assignment of awards and punishments. There could and would exist side by side, for instance, Catholic insurers applying Canon law, Jewish insurers applying Mosaic law, Muslims applying Islamic law, and Non-believers applying Secular law of one variant or another, all of them sustained by and vying for a voluntarily paying clientele. Consumers could and would choose, and sometimes change, the law applied to them and their property. That is, no one would be forced to live under "foreign" law; and hence, a prominent source of conflict would be eliminated.

同时，竞争性保险体系会对法律的发展造成双重冲击，从而有助于进一步减少冲突。另一方面，这一体系将允许系统地增加法律的可变性和灵活性。与在有国家的情形下一样
In fact, a system of insurers offering competing law codes would promote a tendency toward the unification of law. The "domestic"—Catholic, Jewish, Roman, Germanic, etc.—law would apply and be binding only on the persons and properties of the insured, the insurer, and all others insured by the same insurer under the same law. Canon law, for instance, would apply only to professed Catholics and deal solely with intra-Catholic conflict and conflict resolution. Yet it would also be possible for a Catholic to interact, come into conflict with, and wish to be protected from the subscribers of other law codes, e.g., a Muslim. From this no difficulty would arise so long as Catholic and Islamic law reached the same or a similar conclusion regarding the case and contenders at hand. But if competing law codes arrive at distinctly different conclusions (as they would in at least some cases by virtue of the fact that they represent different law codes) a problem would arise. The insured would want to be protected against the contingency of intergroup conflict, too, but "domestic" (intragroup) law would be of no avail in this regard. In fact, at a minimum two distinct "domestic" law codes would be involved, and they would come to different conclusions. In such a situation it could not be expected that one insurer and the subscribers of his law code, say the Catholics, would simply subordinate their judgment to that of another insurer and his law, say that of the Muslims, or vice versa. Rather, each insurer—Catholic and Muslim alike—would have to contribute to the development of intergroup law, i.e., law applicable in cases of disagreement among competing insurers and law codes. And because the intergroup law provisions that an insurer offered to its clients could appear credible to them, and hence a good, only if and insofar as the same provisions were also accepted by other insurers (and the more of them, the better), competition would promote the development and refinement of a body of law that incorporated the widest—intergroup, cross-cultural, etc.—legal-moral consensus and agreement and thus represented the greatest common denominator among various competing law codes.

另一方面，竞争性保险体系提供了竞争性法律规范（law codes），这会促进法律统一的趋势。“国内”法——天主教徒、犹太人、罗马尼亚人、德国人等等的法律——将只适用于并约束投保人、保险公司以及其他在同样的法律下的同类保险公司投保的人。例如，天主教会法，将只适用于自称是天主教徒的人，并只处理和解决完全属于天主教徒内部的冲突。然而，天主教徒也可能与其他法律规范的用户，
More specifically, because competing insurers and law codes could and would disagree regarding the merit of at least some of the cases brought jointly before them, every insurer would be compelled to submit itself and its clients in these cases from the outset to arbitration by an independent third party. This third party would not just be independent of the two disagreeing parties, however. It would at the same time be the unanimous choice of both parties. And as objects of unanimous choice, arbitrators then would represent or even personify "consensus" and "agreeability." They would be agreed upon because of their commonly perceived ability of finding and formulating mutually agreeable, i.e., "fair," solutions in cases of intergroup disagreement. Moreover, if an arbitrator failed in this task and arrived at conclusions that were perceived as "unfair" or "biased" by either one of the insurers and/or their clients, this person would not likely be chosen again as an arbitrator in the future.

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更确切地说，因为竞争性保险公司和法律规范至少可能会对某些共同提交给它们的案件之是非曲直产生分歧，所以在这些案件中，每一家保险公司将被迫从一开始就将自己与客户提交给独立第三方仲裁。然而，该第三方不会仅仅独立于分歧双方。同时，它也会是双方的一致选择。而作为一致选择的对象，仲裁者从而会代表甚至化身（personify）为“共识”和“达成一致的能力（agreeability）”。仲裁者会被认可，因为他们被普遍预信为有能力在群体间存在分歧的案件中，发现或制定各方都可能互相认可的，亦即“公平”的解决方案。更进一步说，如果仲裁者没有完成这项任务，所得出的结论被某一方保险公司和/或其客户认为是“不公平的”或“有偏私的”，这个人未来将不可能再被人们选作仲裁者。

Consequently, protection and security contracts would come into existence as the first fundamental result of competition between insurers for a voluntarily paying clientele. Insurers (unlike states) would offer their clients contracts with well-specified property and product descriptions and clearly defined and delineated duties and obligations. Likewise, the relationship between insurers and arbitrators would be defined and governed by contract. Each party to a contract, for the duration or until fulfillment of the contract, would be bound by its terms and conditions; and every change in the terms or conditions of a contract would require the unanimous consent of all parties concerned. That is, under competition (unlike under statist conditions), no "legislation" would or could exist. No insurer could get away (as a state can) with "promising" its clients "protection" without letting them know how or at what price, and insisting that it could, if it so desired, unilaterally change the terms and conditions of the protector-client relationship. Insurance-clients would demand something significantly "better," and insurers would comply and supply contracts and constant law, instead of promises and shifting and changing legislation. Furthermore, as a result of the continual cooperation of various insurers and arbitrators a tendency toward the unification of property and the harmonization of the rules of procedure, evidence and conflict resolution (including such questions as liability, tort, compensation, and punishment) would be set in motion. On account of buying protection insurance, everyone would become tied into a global competitive enterprise of striving to reduce conflict and enhance security. Moreover, every single conflict and damage claim, regardless where and by or against whom, would fall into the jurisdiction of one or more specific insurance agencies and would be handled either by an individual insurer's "domestic" law or by the "international" law provisions and procedures agreed upon in advance by a group of insurers, thus assuring (ex ante) complete and perfect legal stability and certainty.

因此，作为保险公司之间竞争自愿付费客户的基本结果，安保合同将会出现。保险公司会给他们客户提供非常明确的财产与产品的描述，且清晰定义并划分责任与义务的合同（这与国家不一样）。同样地，保险者与仲裁者之间的关系也应通过合同来定义并管理。在合同期内，或者直至合同履行完结之前，合同各方均应受合约条款与条件的约束；合同条款与条件的每次变更，会要求所有有关各方的一致同意。也就是说，在竞争（不同于有国家的情形）下，不会也不可能存在“立法”。没有一家保险公司能够（像国家那样）“承诺”保护其“客户”，却让他们知道如何保护或以何种代价保护，并坚持认为它能够——如果它想这么做的话——单方面改变保护者-客户关系中的条款和条件。投保客户会要求一些“更好”的东西，而保险公司会采用和提供合同与恒常的法律（law），而非提供承诺和变化不定的立法（legislation）。更进一步说，由于不同保险公司和仲裁者之间的持续合作，财产与合同法，以及程序、证据和冲突解决方案（包括赔偿、偿还、补偿和惩罚）的统一趋势将会启动。由于购买了安保保险，每个人都绑定了一个努力减少冲突和提升安全的全球竞争性企业。此外，每一
Now a second question must be addressed. Even if the status of defensive protection as an insurable good is granted, distinctly different forms of insurance exist. Let us consider just two characteristic examples: insurance against natural disasters, such as earthquakes, floods, hurricanes, and insurance against industrial accidents or disasters, such as malfunctions, explosions, and defective products. The former can serve as an example of group or mutual insurance. Some territories are more prone to natural disasters than others; accordingly, the demand for and price of insurance will be higher in some areas than others. However, every location within certain territorial borders is regarded by the insurer as homogeneous with respect to the risk concerned. The insurer presumably knows the frequency and extent of the event in question for the region as a whole, but he knows nothing about the particular risk of any specific location within the territory. In this case, every insured person will pay the same premium per insured value, and the premiums collected in one time period will presumably be sufficient to cover all damage claims during the same time period (otherwise the insurance industry will incur losses). Thus, the particular individual risks are pooled and insured mutually.

In contrast, industrial insurance can serve as an example of individual insurance. Unlike natural disasters, the insured risk is the outcome of human action, i.e., of production efforts. Every production process is under the control of an individual producer. No producer intends to fail or experience a disaster, and as we have seen only accidental—non-intended—disasters are insurable. Yet even if production is largely controlled and generally successful, every producer and production technology is subject to occasional mishaps and
accidents beyond his control—a margin of error. However, since it is the outcome (intended or not) of individual production efforts and production techniques, this risk of industrial accidents is essentially different from one producer and production process to another. Accordingly, the risk of different producers and production technologies cannot be pooled, and every producer must be insured individually. In this case, the insurer will have to know the frequency of the questionable event over time, but he cannot know the likelihood of the event at any specific point in time, except that at all times the same producer and production technology are in operation. There is no presumption that the premiums collected during any given period will be sufficient to cover all damage claims arising during that period. Rather, the profit-making presumption is that all premiums collected over many time periods will be sufficient to cover all claims during the same multi-period time span. Consequently, in this case an insurer must hold capital reserves in order to fulfill its contractual obligation, and in calculating his premiums he must take the present value of these reserves into account.

相比之下，工业保险可作为个人保险的例子。和自然灾害不同，这类保险的风险是人的行动（即生产活动）的结果。每个生产过程都受个体生产者的控制，没有任何生产者有意让故障或灾难发生，正如我们所看到的，只有（无意的）意外灾难才可投保。然而，即便整体而言很大程度上能控制成功，每一个生产者和生产技术也都仍有超出其控制的偶发事故，即有误差范围。然而，因为这是个别的生产努力或生产技术（有意或无意）结果，所以工业意外的风险仍因每个生产者或生产过程而异。因此，不同生产者和不同生产过程的风险无法被合并，每位生产者都需要单独保险。在这种情况下，保险公司必须知道某时段内可能出问题的事件的发生频率，但他不知道任何特定时间点的事件发生可能性，除非时段内都由同一生产者和同一生产技术操作。在此，并不假设任何给定时段内收取的保费大概足以涵盖所有时段内产生的损害索赔，相反，推定的获利状况是许多时段内所收取的保费足以涵盖同一多时段跨度内所有索赔。因此，在这种情况下，保险公司必须持有足够履行合约义务的资本储备，在计算保费时也必须将储备现值纳入考虑。

The second question is what kind of insurance can protect against aggression and invasion by other actors? Can it be provided as group insurance, as for natural disasters, or must it be offered in the form of individual insurance, as in the case of industrial accidents?

于是，第二个问题即是哪种保险适用于抵御进攻和入侵的保险？是像自然灾害那样用团体保险来提供，还是像工业意外的情况那样用个人保险的形式来提供？
Note that both forms of insurance represent only the two possible extremes of a continuum, and that the position of any particular risk on this continuum is not definitively fixed. Owing to scientific and technological advances in meteorology, geology, or engineering, for instance, risks that were formerly regarded as homogeneous (allowing for mutual insurance) can become more and more dehomogenized. Noteworthy is this tendency in the field of medical and health insurance. With the advances of genetics and genetic engineering—genetic fingerprinting—medical and health risks previously regarded as homogeneous (unspecifc) with respect to large numbers of people have become increasingly more specific and heterogeneous.

Let me first contrast defense-protection insurance with that against natural disasters. Frequently an analogy between the two is drawn, and it is instructive to examine if or to what extent it holds. The analogy is that just as aggression is the outcome of human actions and whereas nature is 'blind' and does not discriminate between individuals, whether at the same point in time or over time, an aggressor can discriminate and deliberately target specific victims and choose the timing of his attack.

考虑到这一点，我们可以特别对保护保险做出任何具体结论吗？我认为是的。毕竟，从保险公司与被保人的角度来看，所有保险都要求偶然风险，而侵略意外与自然灾害或工业灾害截然不同。自然灾害和工业灾害是自然力量及自然规律运作的结果，侵略是人类行为的结果；自然是“没长眼”，不因人而异，不管是同一时间点或随着时间推移，但侵略者可以蓄意选择特定目标受害者以及攻击时机。

VI 政治边界与保险

Let me first contrast defense-protection insurance with that against natural disasters. Frequently an analogy between the two is drawn, and it is instructive to examine if or to what extent it holds. The analogy is that just as
every individual within certain geographical regions is threatened by the same risk of earthquakes, floods, or hurricanes, so does every inhabitant within the territory of the U.S. or Germany, for instance, face the same risk of being victimized by a foreign attack. Some superficial similarity—to which I shall come shortly—withstanding, it is easy to recognize two fundamental shortcomings in the analogy. For one, the borders of earthquake, flood, or hurricane regions are established according to objective physical criteria and hence can be referred to as 'natural.' In distinct contrast, political boundaries are 'artificial' boundaries. The borders of the U.S. changed throughout the entire nineteenth century, and Germany did not exist as such until 1871 and was composed of thirty-eight separate countries. Surely, no one would want to claim that this redrawing of the U.S. or German borders was the outcome of the discovery that the security risk of every American or German within the greater U.S. or Germany was, contrary to the previously held opposite belief, homogeneous (identical).

There is a second obvious shortcoming. Nature—earthquakes, floods, hurricanes—is blind in its destruction. It does not discriminate between more and less valuable locations and objects but 'attacks' indiscriminately. In distinct contrast, an aggressor-invader can and does discriminate. He does not attack or invade worthless locations and things, like the Sahara desert, but targets locations and things that are valuable. Other things being equal, the more valuable a location and an object, the more likely it will be the target of an invasion.

第二个明显缺陷在于，自然（地震、洪水和飓风）盲目进行毁灭。它并不区分地点和目标的价值高低，而是无差别地攻击。侵略与此截然相反，侵略者可以进行区分，他们也的确如此。他们并不会攻击或入侵像撒哈拉沙漠那样毫无价值的地点和目标，在其他条件相同时，一个地点和目标越有价值，就越可能成为侵略的目标。
This raises the next crucial question. If political borders are arbitrary and attacks are never indiscriminate but directed specifically toward valuable places and things, are there any nonarbitrary borders separating different security-risk (attack) zones? The answer is yes. Such nonarbitrary borders are those of private property. Private property is the result of the appropriation and/or production of particular physical objects or effects by specific individuals at specific locations. Every appropriator-producer (owner) demonstrates with his actions that he regards the appropriated and produced things as valuable (goods), otherwise he would not have appropriated or produced them. The borders of everyone's property are objective and intersubjectively ascertainable. They are simply determined by the extension and dimension of the things appropriated and/or produced by any one particular individual. And the borders of all valuable places and things are coextensive with the borders of all property. At any given point in time, every valuable place and thing is owned by someone; only worthless places and things are owned by no one.

Surrounded by other men every appropriator and producer can also become the object of an attack or invasion. Every property—in contrast to things (matter)—is necessarily valuable; hence, every property owner becomes a possible target of other men's aggressive desires. Consequently every owner's choice of the location and form of his property will, among countless other considerations, also be influenced by security concerns. Other things equal, everyone will prefer safer locations and forms of property to locations and forms which are less safe. Yet regardless of where an owner and his property are located and whatever the property's physical form, every owner, by virtue of not abandoning his property even in view of potential aggression, demonstrates his personal willingness to protect and defend these possessions.

在这里提出了下一个重要问题。如果政治边界是任意的，而攻击也从来都不是不加区分，而是专门针对有价值的地点和目标，存在任何非任意的边界能区分不同安全风险（攻击）的区域吗？答案是“存在”。这种非人为专断边界就是私有财产。私有财产是原始占有和/或特定个人在特定地点的生产结果。每个进行占有的生产者（所有者），都用自己的行为表明这些被占有或被生产的物品是有价值的（商品），否则他不会占用或生产它们。每个人的财产边界都是客观的，通过主体间互动而确定。这些财产边界通过某具体个人的占用或生产程度而决定，而所有具有价值的地点与事物的边界，都与财产边界共存。在任何给定的时间点，每个具有价值的地点与事物都被某人拥有；只有毫无价值的地点和事物才不会被人拥有。

在周围有其他人的情况下，每个占有者和生产者也都可能成为受攻击或被入侵的对象。相对于事物（物质），每份财产都必然具有价值，因此，每个财产所有者都会成为其它人侵占的可能目标。结果，虽然每位业主选择财产位置与形式都有无数方面的考量，但也会受到安全考虑的影响。其它条件不变，比起那些不那么安全的地点与财产形式，每个人都会偏爱更安全的地点与财产形式。然而，不管所有者的财
单个生产过程中的事故风险通常取决于地点，虽然同一生产者对于复制到不同地点的同一生产过程会保持相同的错误率，但是私有财产的侵略风险，也就是生产地点，则因地而异。由于这种特性，使得每个被占有或生产的私有财产都是独立且独特的。每一个位于不同地点的财产都受到不同个人的控制，
VII 民主国家与全面战争

The analogy typically drawn between insurance against natural disasters and external aggression is fundamentally flawed. As aggression is never indiscriminate but selective and targeted, so is defense. Everyone has different locations and things to defend, and no one's security risk is the same as anyone else's, yet the analogy contains a kernel of truth. However, any similarity between natural disasters and external aggression is due not to the nature of aggression and defense but to the rather specific nature of state-aggression and defense (interstate warfare). As explained above, a state is an agency that exercises a compulsory territorial monopoly of protection and the power to tax, and any such agency will be comparatively more aggressive because it can externalize the costs of such behavior onto its subjects. However, the existence of a state does not just increase the frequency of aggression; it changes its entire character. The existence of states—and especially of democratic states—implies that aggression and defense—war—will tend to be transformed into total—undiscriminating—war.

把自然灾害和外部侵略混为一谈的典型类比有着重大的缺陷。因为侵略从来都不是不加选择，而是有选择性和针对性的，防卫也是如此。每个人都有不同的防卫地点和物品，没有人的安全风险和别人一样。但是，这个类比也包含了事实的要点。然而，自然灾害与外部侵略之间的相似性，并不因为侵略与防卫的特性，而是国家侵略与防卫（国际战争）的这个具体特性。正如上文解释过的那样，国家是行使疆域内垄断领土保护和征税权力的机构，而任何这类机构都因为可以外部化侵略行为的成本，而变得更具体侵略性。然而，国家本身的存在不只提高侵略的频率；它还改变侵略的全部特征。国家，尤其是民主国家的存在，意味着将侵略与防卫（战争）将转变为全面、不加区别的战争。

*原注：关于国家与战争的关系，以及从有限（君主）战争到全面（民主）战争的历史转变，见埃克哈德·克里彭多夫（Ekkehard Krippendorff）《国家与战争（Staten und Krieg）》（Frankfurt/M:Suhrkamp, 1985）；查尔斯·蒂利（Charles Tilly）《制造战争制造和制造国家：有组织犯罪（War Making and State Making as Organized Crime）》，载于《把国家带回来（Bringing the State Back In）》，彼得·B·埃文斯（Peter B. Evans）、迪特里希·鲁西梅耶（Dietrich Rueschemeyer）
Consider for a moment a completely stateless world. While most property owners would be individually insured by large, often multinational insurance companies endowed with huge capital reserves, as bad risks most if not all aggressors would be without any insurance whatever. In this situation, every aggressor or group of aggressors would want to limit their targets, preferably to uninsured property, and avoid all "collateral damage," as they would otherwise find themselves confronted with one or many economically powerful professional defense agencies. Likewise, all defensive violence would be highly selective and targeted. All aggressors would be specific individuals or groups, located at specific places and equipped with specific resources. In response to attacks on their clients, insurance agencies would specifically target these locations and resources for retaliation, and they would avoid any collateral damage as they would otherwise become entangled with and liable to other insurers.

All of this changes fundamentally in a statist world with interstate warfare. If one state, the U.S., attacks another, for instance Iraq, this is not just an attack by a limited number of people, equipped with limited resources and located at a clearly identifiable place. Rather, it is an attack by all Americans and with all of their resources. Every American supposedly pays taxes to the U.S. government and is thus defacto, whether he wishes to be or not, implicated in every government aggression. Hence, while it is obviously false to claim that every American faces an equal risk of being attacked by Iraq (low or nonexistent as such a risk is, it is
Second, just as the attacker is a state, so is the attacked, Iraq. As its U.S. counterpart, the Iraqi government has the power to tax its population or draft it into its armed forces. As taxpayer or draftee, every Iraqi is implicated in his government's defense just as every American is drawn into the U.S. government's attack. Thus, the war becomes a war of all Americans against all Iraqis, i.e., total war. The strategy of both the attacker and the defender state will be changed accordingly. While the attacker still must be selective regarding the targets of his attack, if for no other reason than that even taxing agencies (states) are ultimately constrained by scarcity, the aggressor has little or no incentive to avoid or minimize collateral damage. To the contrary, since the entire population and national wealth is involved in the defensive effort, collateral damage, whether of lives or property, is even desirable. No clear distinction between combatants and noncombatants exists. Everyone is an enemy, and all property provides support for the attacked government. Hence, everyone and everything becomes fair game. Likewise, the defender state will be little concerned about collateral damage resulting from its own retaliation against the attacker. Every citizen of the attacker state and all of their property is a foe and enemy property and thus becomes a possible target of retaliation. Moreover, every state, in accordance with this character of interstate war, will develop and employ more weapons of mass destruction, such as atomic bombs, rather than long range precision weapons, such as one might imagine, laser gun.
Thus, the similarity between war and natural catastrophes their seemingly indiscriminate destruction and devastation—is exclusively a feature of a statist world.

因此，战争和自然灾害两者间的相似性（它们表面上的非选择性毁灭与破坏）单单是国家主义世界的特征。

VIII 保险与激励

This brings on the last problem. We have seen that just as all property is private, so is and must all defense be insured individually by capitalized insurance agencies, very much like industrial accident insurance. We have also seen that both forms of insurance differ in one fundamental respect. In the case of defense insurance, the location of the insured property matters. The premium per insured value will be different at different locations. Furthermore, aggressors can move around, their arsenal of weapons may change, and the entire character of aggression can alter with the presence of states. Thus, even given an initial property location, the price per insured value can alter with changes in the social environment or surroundings of this location. How would a system of competitive insurance agencies respond to this challenge? In particular, how would it deal with the existence of states and state aggression?

最后的问题来了。我们已经看到，由于财产都是私有的，所有防卫都必须向资本化的保险机构单独投保，这和工业意外保险很像。然而，我们也已经看到了两种保险形式在一个重要方面的差异。在防卫保险的情况下，受保财产的位置很重要。每单位投保价值的保险费将因不同地点而有所不同。此外，侵略者可以走来走去，其武器库也可能会改变，而它们的整个侵略特性也能随着国家的存在而有所变化。因此，即使给定了财产的初始位置，每单位投保价值的价格也可能因为这个特定位置周围或社会环境而有所不同。而竞争性保险机构系统如何回应这项挑战？
In answering these questions it is essential to recall some elementary economic insights. Other things being equal, private property owners generally and business owners in particular prefer locations with low protection costs (insurance premiums) and rising property values to those with high protection costs and falling property values. Consequently, there is a tendency toward the migration of people and goods from high risk and falling property value areas into low risk and increasing property value areas. Furthermore, protection costs and property values are directly related. Other things being equal, higher protection costs (greater attack risks) imply lower or falling property values, and lower protection costs imply higher or increasing property values. These laws and tendencies shape the operation of a competitive system of insurance-protection agencies.

Whereas a tax-funded monopolist will manifest a tendency to raise the cost and price of protection, private profit-loss insurance agencies strive to reduce the cost of protection and thus bring about falling prices. At the same time insurance agencies are more interested than anyone else in rising property values because this implies not only that their own property holdings appreciate but that there will also be more of other people's property for them to insure. In contrast, if the risk of aggression increases and property values fall, there is less value to be insured while the cost of protection and price of insurance rises, implying poor business conditions for an insurer. Consequently, insurance companies would be under permanent economic pressure to promote the former favorable and avert the latter unfavorable condition.
This incentive structure has a fundamental impact on the operation of insurers. First, as for the seemingly easier case of the protection against common crime and criminals, a system of competitive insurers would lead to a dramatic change in current crime policy. To recognize the extent of this change, it is instructive to look first at the present and familiar statist crime policy. While it is in the interest of state agents to combat common private crime (if only so that there is more property left for them to tax), as tax-funded agents they have little or no interest in being particularly effective at the task of preventing it, or if it has occurred, at compensating its victims and apprehending and punishing the familiar statist crime policy. While it is in the interest of state agents to combat common private crime (if only so that there is more property left for them to tax), as tax-funded agents they have little or no interest in being particularly effective at the task of preventing it, or if it has occurred, at compensating its victims and apprehending and punishing the offenders. Moreover, under democratic conditions, insult will be added to injury, for if everyone—aggressors as well as nonaggressors and residents of high crime locations as well as those of low crime locations—can vote and be elected to government office, a systematic redistribution of property rights from nonaggressors to aggressors and the residents of low crime areas to those of high crime areas comes into effect and crime will actually be promoted. Accordingly, crime and the demand for private security services of all kinds are currently at an all-time high. Even more scandalously, instead of compensating the victims of crimes it did not prevent (as it should have), the government forces victims to pay again as taxpayers for the cost of the apprehension, imprisonment, rehabilitation and/or entertainment of their aggressors. And rather than requiring higher protection prices in high crime locations and lower ones in low crime locations, as insurers would, the government does the exact opposite. It taxes more in low crime and high property value areas than in high crime and low property value ones, or it even subsidizes the residents of the latter locations—the slums—at the expense of those of the former, eroding the social conditions unfavorable to crime while promoting those favorable to it.

这一激励结构对保险公司的运营具有重要的影响。其一，就像针对普通犯罪和罪犯的保护这个看起来更简单的例子，一个相互竞争的保险商系统将导致当前犯罪政策的戏剧性变化。了解现状并因此熟悉国家主义犯罪政策将对认识这种变化的程度有所帮助。虽然打击一般私人犯罪符合国家机构的利益（如此将有更多财产可被收税），但作为税收资助者，对于高效防止犯罪、补偿受害者、逮捕并惩罚罪犯这些任务，国家机构并没有太大兴趣，或甚至没有兴趣。此外，在民主的情况下，受害者将更进一步遭受屈辱。如果每个人（侵略者和非侵略者，高犯罪率地点的居民和居住在低犯罪率地点的人）都有权投票和被选入政府机构，这将会推动系统性的财产重新分配，将财产从非侵略者转移到侵略者，从而造成犯罪率地点居民转移到居住在高犯罪率地点的人。因此，犯罪以及各种私人安保服务的需求目前处于历史高位。更为可耻的是，政府没有赔偿它没有保护好（它应该保护好）的犯罪受害者，而是强
The operation of competitive insurers would present a striking contrast. For one, if an insurer could not prevent a crime, it would have to indemnify the victim. Thus, above all insurers would want to be effective in crime prevention. If they still could not prevent it, they would want to be efficient in the detection, apprehension, and punishment of criminal offenders, because in finding and arresting an offender, the insurer could force the criminal—rather than the victim and its insurer—to pay for the damages and cost of indemnification.

Competitive insurance companies would present a sharp contrast. For one, if an insurer could not prevent crime, it must indemnify the victim. Thus, above all insurers would want to be effective in crime prevention. If they still could not prevent it, they would want to be efficient in the detection, apprehension, and punishment of criminal offenders, because in finding and arresting an offender, the insurer could force the criminal—rather than the victim and its insurer—to pay for the damages and cost of indemnification.

More specifically, just as insurance companies currently maintain and continually update a detailed local inventory of property values, so would they maintain and continually update a detailed local inventory of crimes and criminals. Other things being equal, the risk of aggression against any private property location increases with the proximity and the number and resources of potential aggressors. Thus, insurers would be interested in gathering information on actual crimes and known criminals and their locations, and it would be in their mutual interest of minimizing property damage to share this information with each other (just as banks now share information on bad credit risks with each other). Furthermore, insurers would also be...

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15注：有关过去和现在的犯罪和惩罚，见特里·安德森 (Terry Anderson) 和 P·J·希尔 (P. J. Hill) 《美国在无政府资本主义方面的实验》 (The American Experiment in Anarchist-Capitalism: The Not So Wild, Wild West)，《自由意志主义研究报告》 (Journal of Libertarian Studies) 第 3 卷第 1 期 (1979)；布瑞斯·L·本森 (Gunfighters, Highwaymen, and Vigilantes: Violence on the Frontier) (Berkeley: University of California Press, 1984)；詹姆斯·Q·威尔逊 (James Q. Wilson) 和理查德·J·赫恩斯坦 (Richard J. Herrnstein) 《犯罪与人性》 (Crime and Human Nature) (New York: Simon and Schuster, 1985)；爱德华·C·班菲尔德 (Edward Banfield) 《重访罪恶之都》 (The Unheavely City Review) (Boston: Little, Brown, 1974)。
particular interest in gathering information on potential (not yet committed and known) crimes and aggressors, and this would lead to a fundamental overhaul of and improvement in current—statist—crime statistics. In order to predict the future incidence of crime and thus calculate its current price (premium), insurers would correlate the frequency, description, and character of crimes and criminals with the social surroundings in which they occur and operate. And always under competitive pressure, they would develop and continually refine an elaborate system of demographic and sociological crime indicators. That is, every neighborhood would be described, and its risk assessed, in terms of a multitude of crime indicators, such as the composition of its inhabitants' sexes, age groups, races, nationalities, ethnicities, religions, languages, professions, and incomes.

Consequently, and in distinct contrast to the present situation, all interlocal, regional, racial, national, ethnic, religious, and linguistic income and wealth redistribution would disappear, and a constant source of social conflict would be removed permanently. Instead, the emerging price (premium) structure would tend to accurately reflect the risk of each location and its particular social surrounding such that one would only be asked to pay for the insurance risk of himself and of that associated with his particular neighborhood. M

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Governments—and democratic governments in particular—erode "good" and promote "bad" neighborhoods through their tax and transfer policy. They do so also, and with possibly an even more damaging effect, through their policy of forced integration. This policy has two aspects. On the one hand, for the owners and residents in "good" locations and neighborhoods who are faced with an immigration problem, forced integration means that they must accept, without discrimination, every domestic immigrant, as transient or tourist on public roads, as customer, client, resident, or neighbor. They are prohibited by their government from excluding anyone, including anyone they consider an undesirable potential risk, from immigration. On the other hand, for the owners and residents in "bad" locations and neighborhoods (who experience emigration rather than immigration), forced integration means that they are prevented from effective self-protection. Rather than being allowed to rid themselves of crime through the expulsion of known criminals from their neighborhood, they are forced by their government to live in permanent association with their aggressors.

因此，与目前的情况形成鲜明对比，所有的地缘、区域、种族、民族、族裔、宗教、语言及收入方面上的财富再分配就会消失，而这个长久以来的社会冲突将被永远消除。取而代之的新价格（保费）结构，倾向于准确反映每个地点与其特定社会环境的风险，在这种情况下，没有人会被迫替他人支付风险保险，而是基于所在地街区的情况替自己支付。更重要的是，基于不断更新与完善的犯罪与财产价值统计系统，进一步还将产生从高风险低价值区域（以下简称“坏区”）迁移到低风险高价值区域（以下简称“好区”）的倾向，竞争性侵略保险机构系统可以促进文明进步（而非文明倒退）。

政府（尤其是民主政府）通过收税和转移政策会侵蚀“好区”并促进“坏区”。除了收税和转移政策之外，政府还可能通过强制融合政策而产生更具破坏性的影响。这一政策有两大方面。一方面，“好区”的业主与居民将面临移民迁入问题，强制融合意味着他们必须无歧视地接受国内所有移民，不论是作为公共道路上的用路人或游客，还是作为消费者、客户、居民或邻居。政府禁止他们排除任何移民，包括那些他们认为具有潜在风险者。另一方面，“坏区”的业主与居民将经历移民迁出问题，而非移民迁入问题，强制融合意味着他们不能有效地自我保护。他们不被允许通过驱逐已知犯罪分子来摆脱犯罪，政府强迫他们的生活与那些侵略者永久相连。
The results of a system of private protection insurers would be in striking contrast to these only all too familiar decivilizing effects and tendencies of statist crime protection. To be sure, insurers would be unable to eliminate the differences between "good" and "bad" neighborhoods. In fact, these differences might even become more pronounced. However, driven by their interest in rising property values and falling protection costs, insurers would promote a tendency to improve by uplifting and cultivating both "good" and "bad" neighborhoods. Thus, in "good" neighborhoods insurers would adopt a policy of selective immigration. Unlike states, they could and would not want to disregard the discriminating inclinations among the insured toward immigrants. To the contrary, even more so than any one of their clients, insurers would be interested in discrimination, i.e., in admitting only those immigrants whose presence adds to a lower crime risk and increased property values and in excluding those whose presence leads to a higher risk and lower property values. That is, rather than eliminating discrimination, insurers would rationalize and perfect its practice. Based on their statistics on crime and property values, and in order to reduce the cost of protection and raise property values, insurers would formulate and continually refine various restrictive (exclusionary) rules and procedures relating to immigration and immigrants and thus give quantitative precision—in the form of prices and price differences—to the value of discrimination (and the cost of nondiscrimination) between potential immigrants (as high or low risk and value-productive).

Similarly, in "bad" neighborhoods the interests of the insurers and the insured would coincide. Insurers would not want to suppress the expulsionist inclinations among the insured toward known criminals. They would rationalize such tendencies by offering selective price cuts (contingent on specific clean-up operations). Indeed, in cooperation with one another, insurers would want to expel known criminals not just from their immediate neighborhood but from civilization altogether, into the wilderness or open frontier of the Amazon jungle, the Sahara, or the polar regions.
同样，在“坏区”的情况下，保险公司的利益与被保险人的利益一致。保险公司不会抑制保户驱逐已知罪犯的倾向。他们可能会通过提供选择性降价（附带在具体驱逐行动后），来顺应这种倾向。事实上，在这种合作中，保险公司不只想将罪犯从街区中驱逐，而是从文明中驱逐，把罪犯赶到亚马逊丛林、撒哈拉沙漠或极地等荒野或边远地区。

IX 防范国家侵略

What about defense against a state? How would insurers protect us from state aggression?

然而，怎样对一个国家进行防范？保险公司将如何保护我们免于国家的侵略?

First off, it is essential to remember that governments as compulsory, tax-funded monopolies are inherently wasteful and inefficient in whatever they do. This is also true for weapons technology and production, and military intelligence and strategy, especially in our age of high technology. Accordingly, states would not be able to compete within the same territory against voluntarily financed insurance agencies. Moreover, most important and general among the restrictive rules relating to immigration and designed by insurers to lower protection cost and increase property values would be a rule concerning government agents. States are inherently aggressive and pose a permanent danger to every insurer and insured. Thus, insurers in particular would want to exclude or severely restrict—as a potential security risk—the immigration (territorial entry) of all known government agents, and they would induce the insured, either as a condition of insurance or of a lower premium, to exclude or strictly limit any direct contact with any known government agent, be it as visitor, customer, client, resident, or neighbor. That is, wherever insurance companies operated (in all free territories) state agents would be treated as undesirable outcasts, potentially more dangerous than any common criminal. Accordingly, states and their personnel would be able to operate and reside only in territorial separation from, and on the fringes of, free territories. Furthermore, owing to the comparatively lower economic productivity of statist territories, governments would be continually weakened by the emigration of their most value-productive residents.

首先，记住这一点十分重要：不管政府做什么，作为强制性、由税收资助的垄断机构，它在本质上都是浪费和低效率的。在武器技术与生产、军事情报与战略上也同样如此，特别是在我们这个高科技时代。因此，在同一地区内国家将无法与自愿集资的保险机构竞争。此外，保险公司为了降低保护成本
Now, what if such a government should decide to attack or invade a free territory? This would be easier said than done. Who and what would it attack? There would be no state opponent. Only private property owners and their private insurance agencies would exist. No one, least of all the insurers, would have presumably engaged in aggression or even provocation. If there were any aggression or provocation against the state at all, this would be the action of a particular person, and in this case the interest of the state and insurance agencies would fully coincide. Both would want to see the attacker punished and held accountable for all damages. But without any aggressor-enemy, how could the state justify an attack not to mention an indiscriminate attack? And surely it would have to justify it, for the power of every government, even the most despotic one, ultimately rests on opinion and consent, as La Boetie, Hume, Mises, and Rothbard have explained. Kings and presidents can issue an order to attack, of course, but there must be scores of men willing to execute their order to put it into effect. There must be generals receiving and following the order, soldiers willing to march, kill, and be killed, and domestic producers willing to continue producing to fund the war. If this consensual willingness were absent because the orders of the state rulers were considered illegitimate, even the seemingly most powerful government would be rendered ineffectual and collapse, as the recent examples of the Shah of Iran and the Soviet Union have illustrated. Hence, from the viewpoint of the leaders of the state an attack on free territories would be considered extremely risky. No propaganda effort, however elaborate, would make the public believe that its attack was anything but an aggression against innocent victims. In this situation, the rulers of the state would be happy to maintain monopolistic control over their present territory rather than run the risk of losing legitimacy and all of their power in an attempt at territorial expansion.

如果这种情况下的政府决定攻击或入侵某个自由疆域呢？这谈何容易！政府要攻击谁？不会有敌国存在，只存在私有财产业主还有私人保险机构。没有人会从事侵略甚至是挑衅活动，至少保险公司不会。就算有任何反对国家的侵略或挑衅，也将是特定的个人行为，在这种情况下，国家与保险机构的利益将完全重合，双方都希望看到攻击者受惩罚，并追究其所造成的所有损失。但如果没有任何侵略者敌人出现，国家要怎么合理化自己的非选择性攻击？国家当然得合理化自己的攻击！政府的权力最终取决于舆论与民意，即使是最专制的政体也是如此，正如埃蒂安·德·拉博埃蒂（Etienne de la Boétie）
但是，如果这种不太可能发生的事情发生了，如果国家仍然攻击和（或）入侵相邻的自由疆域？在这种情况下，侵略者所遇到的并不是非武装对象，只有国家主义地区才有典型的非武装平民。所有的国家都致力于解除人民的武装，从而便于收税与征用。相反的，自由疆域的保险公司不希望也无法解除保户的武装。如果保护者要求希望获得保护的人得先放弃自卫手段，谁愿意？保险机构不会这么做，而会通过选择性降价来鼓励保户拥有武器。

In addition to the opposition of an armed private citizenry, the aggressor state would run into the resistance of not only one but in all likelihood several insurance and reinsurance agencies. In the case of a successful attack and invasion, these insurers would be faced with massive indemnification payments. Unlike the aggressing state, however, these insurers would be efficient and competitive firms. Other things being equal, the risk of an attack—and hence the price of defense insurance—would be higher in locations in close proximity to state territories than in places far away from any state. To justify this higher price, insurers
would have to demonstrate defensive readiness \textit{vis-a-vis} any possible state aggression to their clients in the form of intelligence services, the ownership of suitable weapons and materials, and military personnel and training. In other words, the insurers would be effectively equipped and trained for the contingency of a state attack and ready to respond with a two-fold defense strategy. On the one hand, insofar as their operations in free territories are concerned insurers would be ready to expel, capture, or kill every invader while trying to avoid or minimize all collateral damage. On the other hand, insofar as their operations on state territory are concerned insurers would be prepared to target the aggressor (the state) for retaliation. That is, insurers would be ready to counterattack and kill, whether with long-range precision weapons or assassination commandos, state agents from the top of the government hierarchy of king, president, or prime minister on downward while seeking to avoid or minimize all collateral damage to the property of innocent civilians (nonstate agents). They would thereby encourage internal resistance against the aggressor government, promote its delegitimization, and possibly incite the liberation and transformation of the state territory into a free country.

此外，除了受到私人武装公民的抵御，侵略国还会遭受不只一家而是众多保险机构与再保险机构的反抗。如果国家成功地攻击与入侵，这些保险公司将面临庞大索赔。然而，不像侵略国，保险公司将是高效且具有竞争力的企业。其他条件相同情况下，邻近国家领土的地区所承受的攻击风险（防卫成本），将比远离国家领土的地区高得多。为了合理化这种较高价格，保险公司得以情报服务、武器与所有资源、军事人员与操演等形式，向客户展示防卫可能之国家侵略的能力。换句话说，保险公司需要有效率地装备与训练，以两方面的防卫策略因应可能的国家攻击。一方面，任何试图侵入自由疆域中保险机构营运范围内的入侵者，都将遭保险机构驱逐、逮捕或击毙，同时避免或最小化附带损害。另一方面，遭受攻击领域的相关保险机构，将对侵略国进行报复，也就是说，保险机构将通过远程精确武器或暗杀游击队，准备反攻并杀死侵略国之国王、总统或总理以下等政府人员，并同时避免或最小化间接伤害无辜平民的财产（非政府人员），从而鼓励这些平民从内部抵抗侵略政府，促进侵略国的非法化，解放并将国家领土改造为自由疆域。

\textbf{X 恢复自卫的权利}

I have come full circle with my argument. First, I have shown that the idea of a protective state and state protection of private property is based on a fundamental theoretical error and that this error has had disastrous consequences: the destruction and insecurity of all private property and perpetual war. Second, I have shown that the correct answer to the question of who is to defend private property owners from aggression is the
same as for the production of every other good or service: private property owners, cooperation based on the division of labor, and market competition. Third, I have explained how a system of private profit-loss insurers would effectively minimize aggression, whether by private criminals or states, and promote a tendency toward civilization and perpetual peace. The only task outstanding is to implement these insights: to withdraw one's consent and willing cooperation from the state and to promote its delegitimization in public opinion so as to persuade others to do the same. Without the erroneous public perception and judgment of the state as just and necessary and without the public's voluntary cooperation, even the seemingly most powerful government would implode and its powers evaporate. Thus liberated, we would regain our right to self-defense and be able to turn to freed and unregulated insurance agencies for efficient professional assistance in all matters of protection and conflict resolution.

因此，我的论点又回到了原点。首先，我展示了保护性国家的概念存在重大理论错误，这个错误已经造成了灾难性后果：所有私有财产的破坏和不安全，以及没完没了的战争。第二，我展示了谁应该保卫私有财产所有者免于侵略这一问题的正确答案，和谁应该生产其他所有商品和服务一样：私有财产。”

第三，我解释了自负盈亏的私人保险机构体系如何有效减少来自一般罪犯或国家的侵略，并促进文明进步与永久和平的趋势。那么，剩下尚未完成的任务，就是实现这些见解：收回与国家合作的同意和意愿，促进其在公众舆论中的非法化，并说服他人也同样这么做。离开公众对国家存在是正当和必要的这一错误认知和判断，离开民众的自愿合作，即使看似最强大的政府也将破灭，而其权力将灰飞烟灭。在自由之后，我们将重获自卫的权利，并能够转而向被解放且不受管制的保险机构寻求各种保护与冲突解决事务的高效专业协助。
第十三章  论有限政府之不可能性与革命前景

On the Impossibility of Limited Government and the Prospect for Revolution

In a recent survey, people of different nationalities were asked how proud they were to be American, German, French, etc., and whether or not they believed that the world would be a better place if other countries were just like their own. The countries ranking highest in terms of national pride were the United States and Austria. As interesting as it would be to consider the case of Austria, here I shall concentrate on the U.S. and the question whether and to what extent the American claim can be justified.

In the following, I will identify three main sources of American national pride. I will argue that the first two are justified sources of pride, while the third actually represents a fateful error. Finally, I will go on to explain how this error might be repaired.

随后，将证明美国民族自豪的三种主要渊源。我会论证，前两种是合理的自豪感来源，而第三种实际上代表了致命的错误。最后，我会继续解释为什么这种错误必须被修正（repaired）。

I 自由移民的私法社会

The first source of national pride is the memory of America's not-sodistant colonial past as a country of pioneers.
In fact, the English settlers coming to North America were the last example of the glorious achievements of what Adam Smith referred to as "a system of natural liberty": the ability of men to create a free and prosperous commonwealth from scratch. Contrary to the Hobbesian account of human nature—*homo homini lupus est*—the English settlers demonstrated not just the viability but also the vibrancy and attractiveness of a stateless, anarcho-capitalist social order. They demonstrated how, in accordance with the views of John Locke, private property originated naturally through a person's original appropriation—his purposeful use and transformation—of previously unused land (wilderness). Furthermore, they demonstrated that, based on the recognition of private property, division of labor, and contractual exchange, men were capable of protecting themselves effectively against antisocial aggressors: first and foremost by means of self-defense (less crime existed then than exists now), and as society grew increasingly prosperous and complex, by means of specialization, i.e., by institutions and agencies such as property registries, notaries, lawyers, judges, courts, juries, sheriffs, mutual defense associations, and popular militias. Moreover, the American colonists demonstrated the fundamental sociological importance of the institution of covenants: of associations of linguistically, ethnically, religiously, and culturally homogeneous settlers led by and subject to the internal jurisdiction of a popular leader-founder to ensure peaceful human cooperation and maintain law and order.

事实上，来到北美的英国移民是亚当·斯密（Adam Smith）所称的“自然的自由体系（a system of natural liberty）”之光辉成就的最后例证：人们有能力白手起家（from scratch），创造一个自由与繁荣的联合体（commonwealth）。与霍布斯式（Hobbesian）对人的本质的考量——人之于人无异于狼（*homo homini lupus est*）——相反，美国移民证明了一个没有国家的、无政府资本主义的社会秩序，不仅能够存活下来，而且充满了活力与吸引力。根据约翰·洛克的观点，他们证明了，人们对此前没有被利用的土地（荒野）的先占行动（即有目的地利用和转化土地的行动），最初如何自然地产生了私有财产。此外，他们证明了，基于对私有财产、劳动分工、契约化交换的承认，人们有能力有效地保护自己免受反社会性侵略：首先是通过（彼时无罪，如今犯法的）自卫手段保护自己，随着社会不断发展繁荣和复杂，则是通过专业化的手段，亦即通过诸如财产等级、公证、律师、法官、法院、陪审团、治安官、共同防卫协会以及民兵等等保护自己。此外，美国殖民者证明了契约制度在社会学意
II 自然权利与美国革命

The second source of national pride is the American Revolution.

第二种民族自豪的来源是美国革命。

In Europe there had been no open frontiers for centuries and the intra-European colonization experience lay in the distant past. With the growth of the population, societies had assumed an increasingly hierarchical structure: of free men (freeholders) and servants, lords and vassals, overlords, and kings. While distinctly more stratified and aristocratic than colonial America, the so-called feudal societies of medieval Europe were also typically stateless social orders. A state, in accordance with generally accepted terminology, is defined as a compulsory territorial monopolist of law and order (an ultimate decisionmaker). Feudal lords and kings did not typically fulfill the requirements of a state: they could only "tax" with the consent of the taxed, and on his own land every free man was as much a sovereign (ultimate decisionmaker) as the feudal king was on his.

However, in the course of many centuries these originally stateless societies had gradually transformed...
into absolute—statist—monarchies. While they had initially been acknowledged voluntarily as protectors and judges, European kings had at last succeeded in establishing themselves as hereditary heads of state. Resisted by the aristocracy but helped along by the "common people," they had become absolute monarchs with the power to tax without consent and to make ultimate decisions regarding the property of free men.

在欧洲，数百年没有开放的边界了，欧洲内部的殖民化经验存在于遥远的过去。随着时间的推移，社会已经被认为是等级结构越来越森严：自由民（freeholders，自由业主）与仆人，领主与附庸，诸侯与国王。尽管等级色彩和规则色彩明显强于殖民地时期的美国，但中世纪欧洲所谓的封建社会，也仍然是典型的无国家社会秩序。根据被广泛接受的术语，国家被定义为强制性的法律与秩序（终极决策者）的领土性垄断者。封建领主与国王，通常并不满足“国家”的要求：他们只能向同意被征税的人“征税”，自由人在其自己的土地上是一个主权者（sovereign）（终极决策者），其程度恰如封建国王在其王土土地上那般。然而，在数百年进程中，那些最初是无国家的社会，已经逐渐转变为绝对的——国家主义的——君主制社会。尽管起初被人们自愿认可为保护者和裁判者，欧洲的国王们很长时间都未能成功地将他们自己确立为国家的世袭首领。尽管有贵族的抵制，但是在“平民大众”的帮助下，它们成为了专制君主，拥有着无需同意的征税权和对自由人财产作出终极决定权。

These European developments had a twofold effect on America. On the one hand, England was also ruled by an absolute king, at least until 1688, and when the English settlers arrived on the new continent, the king’s rule was extended to America. Unlike the settlers' founding of private property and their private—voluntary


罗伯特·尼斯贝特（Robert Nisbet）在其他地方（见弗里茨：哲学词典（Prejudices: A Philosophical Dictionary）（Cambridge, Mass.: Harvard University Press, 1982，第131-132页）总结到：在过去两百年中，封建主义已经成为一个用来谩骂（invective）、激烈咒骂（vehement abuse）和侮辱（vituperation）的词汇，尤其是那些为现代绝对主义国家（absolute state）——无论是君主制、共和制还是民主制一一提供智力服务的知识分子所常用的。事实上，封建主义是亲缘纽带（kinship tie）的延伸与适应，这种亲缘纽带与战团（war band）或骑士有着保护性的附属关系（protective affiliation）……与有着领土主权原则的现代政治国家相比，西方长达千年的大部分时间里，防卫、权利、福利、权威与奉献，只内嵌于个人而非领土纽带。要成为另一人之“主”，反而又得成为另一主之“人”，以此类推。直到封建金字塔之顶端，要进入封建关系，每个人都仰赖他人的服务或保护，封建纽带中有许多战士与统帅关系，但更多的是，父子关系，族员与族长的关系……（也就是说，封建关系是基本私人关系、人际关系和契约关系……在封建主义下，国王服从法律，就是最重要的原则之一。）另见下文注432、433、434。
and cooperative—production of security and administration of justice, however, the establishment of the royal colonies and administrations was not the result of original appropriation (homesteading) and contract—in fact, no English king had ever set foot on the American continent—but of usurpation (declaration) and imposition.

On the other hand, the settlers brought something else with them from Europe. There, the development from feudalism to royal absolutism had not only been resisted by the aristocracy but it was also opposed theoretically with recourse to the theory of natural rights as it originated within Scholastic philosophy. According to this doctrine, government was supposed to be contractual, and every government agent, including the king, was subject to the same universal rights and laws as everyone else. While this may have been the case in earlier times, it was certainly no longer true for modern absolute kings. Absolute kings were usurpers of human rights and thus illegitimate. Hence, insurrection was not only permitted but became a duty sanctioned by natural law.

另一方面，移民从欧洲带来了一些其他东西。从封建主义向皇权绝对主义（royal absolutism）的发展，不仅受到贵族的抵制，也遭到起源于经院哲学的自然权利理论的理论性反对。根据这种学说，政府被认为是契约性的，每一个政府代理人，包括国王，与其他人一样，服从普遍的权利与法律。尽管在更早的时代，情况可能是这样，但是对现代的绝对君主而言，肯定不再是这个样子了。绝对君主篡夺了人权，因而是非法的。因此，起义不仅是被自然法所允许的，而且也成为自然法赋予的义务。

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23 absolute king, 绝对君主，是相对于欧洲封建时代的国王和王公的概念，后者受制于传统不成文法和与他王室或贵族的契约，而前者拥有绝对的权力。常常也翻译为“专制君主”。绝对君主的出现，是对封建主义的背叛，而非封建主义的发展。

24 原注：见阿克顿爵士（Lord Acton）《基督教自由史 (The History of Freedom in Christianity)》，载于氏著《自由史随笔 (Essays in the History of Liberty)》（Indianapolis, Ind.: Liberty Classics, 1985），特别是第36页。
The American colonists were familiar with the doctrine of natural rights. In fact, in light of their own personal experience with the achievements and effects of natural liberty and as religious dissenters who had left their mother country in disagreement with the king and the Church of England, they were particularly receptive to this doctrine.  

Steeped in the doctrine of natural rights, encouraged by the distance of the English king, and stimulated further by the puritanical censure of royal idleness, luxury and pomp, the American colonists rose up to free themselves of British rule. As Thomas Jefferson wrote in the Declaration of Independence, government was instituted to protect life, liberty, and the pursuit of happiness. It drew its legitimacy from the consent of the governed. In contrast, the royal British government claimed that it could tax the colonists without their consent. If a government failed to do what it was designed to do, Jefferson declared, "it is the right of the people to alter or abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness."

追随着自然权利学说的步伐，受英国国王远在天边的鼓励，并在清教徒对皇室懒惰、奢侈、浮华的公开斥责的进一步刺激下，美国殖民者奋起反抗英国的统治。正如托马斯·杰斐逊在《独立宣言》中所写，建立政府是为了保护生命、自由和追求幸福的权利。政府从被统治者的同意中获得合法性。相反，英国皇家政府声称它可以未经殖民者同意就向他们征税。杰斐逊宣布，如果政府没有做到它被设计要做的事情，“人民便有权改变或废除它，以及有权建立一个新政府；其赖以奠基的原则，其组织权力的方式，务使人民认为唯有这样才最可能实现他们的安全和幸福。”

III 美国宪法的致命缺陷

But what was the next step once independence from Britain had been won? This question leads to the third source of national pride—the American Constitution—and the explanation as to why this constitution, rather than being a legitimate source of pride, represents a fateful error.

Thanks to the great advances in economic and political theory since the late 1700s, in particular at the hands of Ludwig von Mises and Murray N. Rothbard, we are now able to give a precise answer to this question. According to Mises and Rothbard, once there is no longer free entry into the business of the production of protection and adjudication, the price of protection and justice will rise and their quality will fall. Rather than being a protector and judge, a compulsory monopolist will become a protection racketeer: the destroyer and invader of the people and property that he is supposed to protect, a warmonger, and an imperialist. Indeed, the inflated price of protection and the perversion of the ancient law by the English king, both of which had led the American colonists to revolt, were the inevitable result of compulsory monopoly. Having successfully seceded and thrown out the British occupiers, it would only have been necessary for the American colonists to let the existing homegrown institutions of self-defense and private (voluntary and cooperative) protection and adjudication by specialized agents and agencies take care of law and order.

Gustave de Molinari (1849–1920) was a Belgian economist who argued that private (voluntary and cooperative) protection and adjudication was more efficient than government-mandated protection. He was a strong proponent of free trade and opposed government intervention in the economy. Molinari believed that private companies could provide protection and adjudication services more efficiently and at a lower cost than government entities. He also contended that private protection was necessary to prevent government monopolies from becoming corrupt and abusive.

In the context of the American Revolution, Molinari argued that the British king's inflated price of protection and the perversion of the ancient law were the inevitable result of compulsory monopoly. He further contended that the American colonists' secession from Britain and the subsequent establishment of private protection and adjudication institutions were necessary to protect the colonists from the destructive effects of government monopoly.

Molinari's ideas have been influential in the development of modern economic thought, particularly in the areas of industrial organization and the theory of the firm. His work has been influential in the development of the modern theory of the firm, which holds that the firm is a unit of production and exchange that makes decisions to maximize profits.

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有“让现存的内生的自卫权、私人（自愿与合作）的保护，以及由专业的机构和代理人提供的司法裁决来维护法律与秩序”才是必要的。

This did not happen, however. The Americans not only did not let the inherited royal institutions of colonies and colonial governments wither away into oblivion; they reconstituted them within the old political borders in the form of independent states, each equipped with its own coercive (unilateral) taxing and legislative powers. While this would have been bad enough, the new Americans made matters worse by adopting the American Constitution and replacing a loose confederation of independent states with the central (federal) government of the United States.

美国人不仅没有让承自英国的皇家殖民机构和殖民政府衰敝到无人记起，反而以独立州的形式在旧的政治疆界内重建了这些制度与机构，每个州都拥有它自己的强制（单方面）征税和立法权。尽管这已经糟透了，但新美国人还通过采用美国宪法和以美国中央（联邦）政府取代松散的独立州邦联，让事态变得更糟。

This Constitution provided for the substitution of a popularly elected parliament and president for an unelected king, but it changed nothing regarding their power to tax and legislate. To the contrary, while the English king’s power to tax without consent had only been assumed rather than explicitly granted and was thus in dispute, the Constitution explicitly granted this very power to Congress. Furthermore, while kings, in theory even absolute kings, had not been considered the makers but only the interpreters and executors of preexisting and immutable law, i.e., as judges rather than legislators, the Constitution explicitly vested Congress with the power of legislating, and the president and the Supreme Court with the power of executing and interpreting such legislated law.

这部宪法规定以民选议会和总统取代未经选举的国王，但是在总统与议会的征税权和立法权方面，宪法却毫无作为。相反，英国国王未经同意的征税权，只是被假定为如此，未经明确授权，因而存在争议，但美国宪法却明确授予国会这种权力。此外，国王，理论上甚至是专制国王，没有被认为是业已

26 原注：此外，根据他们最初的皇家宪章，新独立的乔治亚州、卡罗来纳州、弗吉尼亚州、康涅狄格州和马萨诸塞州声称太平洋是他们的西部边界；基于这明确毫无根据的篡夺所有权的主张，他们及其后成为其“法定继承人”的大陆会议和美国政府开始将西部领土出售给私人拓殖者和开发者，以偿还其债务和/或资助当前政府的运作。

27 原注：见布鲁诺·莱奥尼（Bruno Leoni）《自由与法律（Freedom and the Law）》（Indianapolis, Ind.: Liberty Fund, 1991）第 118 页。莱奥尼在此处提到，例如一些学者型评论员就《大宪章》指出：
存在的和不变的法律之缔造者，而仅被认为是解释者和执行者，也就是说，他被认为是法官而非立法者，但美国宪法明确赋予国会立法权力，而总统和最高法院拥有执行和解释这些人为立法（legislate）的法律的权力。29

早期中世纪版本的“无代表，不纳税”原则是“未经被征税者个体同意不得征税”，而我们被告知，1211年，“在市政会作出授权后，温彻斯特主教被传唤签署同意免役税【译注：scutage，又称为盾牌钱，指民众只要缴纳这笔钱来购买装备，就不用服兵役】，他以他对此有异议为由拒绝交税，财政部支持了他的诉求。”

29 原注：见克莱恩（Fritz Kern）《中世纪的王权和法律（Kingship and Law in the Middle Ages）》，他写道：

在中世纪，不存在诸如“立法权首次适用”之类的东西。法律是古老的；新的法律在术语上是自相矛盾的；因为新法律要么或明或暗地包含在旧法中，要么与旧法冲突。在第二种情况下，新法律是非法的。基本观念保持不变：旧法就是真正的法律，真正的法律就是旧法。因此，根据中世纪的观点，制定新的法律是根本不可能的；所有立法和法律改革都被认为是违反旧的法律。（第151页）

法国十八世纪重农主义者亦持类似“关于法律的永久性与不允许立法”的观点，例如梅西尔·德·拉里维尔（Mercier de la Riviere），他是《自然秩序（L’Ordre Naturel）》一书的作者，曾经担任马提尼克岛的总督。俄国沙皇凯瑟琳大帝召他，听取如何治理国家的建议时，德·拉里维尔回答道：

夫人，法律必须只基于一样东西——人与事物的本质（nature）……夫人，颁布或制定法律是上帝的任务，他没有赐予任何人。啊！什么人，才会认为自己有能力向他所不认识的人颁布法律？统治的科学（The science of government）是研究和认识上帝选民时，如此明显地镌刻在人类组织中的律法。试图篡越它，将会是一桩巨大的不幸，和一种破坏性的行径。引自穆瑞·N·罗斯巴德《亚当·斯密之前的经济思想：奥地利学派视角下的经济思想史（Economic Thought Before Adam Smith: An Austrian Perspective on the History of Economic Thought）》（Cheltenham, U.K.: Edward Elgar, 1995）第1卷，第371页。

另见德·儒弗内尔（de Jouvenel）《主权（Sovereign）》第172-173页和第189页。

29 原注：因此，人们十分珍视的现代观点，必须被认为存在严重缺陷。根据这一观点，实行“宪政政府”，代表着从专制政府（arbitrary government）到法治（rule of law）的主要文明进步；这一观点认为，美国在这种历史性突破中，起了主导，甚至先驱作用。这种观点显然与《大宪章》(1215)和《金玺诏书（the Golden Bull）》(1356)相矛盾。【译注：金玺诏书，神圣罗马帝国皇帝卡尔四世（1347-1378在位）于1356年颁布的帝国法律。又称黄金诏书，因诏书上盖有黄金印玺，故名。它在法律意义上确定了帝国领地内诸侯的权益与义务，重申了七大选帝侯的特别地位，也排斥了教皇干预德意志事务的特别行使权，是德国历史上的第一部重要的“私法”。原件共分两部分：第一部分称为纽伦堡法典（dasNürnberger Gesetzbuch），于1356年1月10日颁布于纽倫堡帝国议会；第二部分称梅茨法条（dieMetzer Gesetze），颁布于1356年12月25日梅茨帝国议会。】更重要的是，它错误地表述了前现代政府的本质。这些政府要么完全不具备一切权力中最专断和残暴的权力——未经同意的征税权和立法权；要么即使他们真的拥有这些权力，政府在执行时也会严格限制它们，因为这类权力被广泛视为不具备正当性，亦即是篡夺的而非正当取得的。与此对比鲜明的是，现代政府由如下事实定义：征税权与立法权被明确认可为合法（legitimate）；也就是说，一切“宪政”政府，无论在美国还是其他地方，都构成了国家政府（state-government）。因此，罗伯特·尼斯贝特（Robert Nisbet）正确地指出：

前现代国王的统治，有时可能会到那种现代政府官员所无法享受的不负责任的程度，但就有效的权力和服务而言，十七世纪“绝对君主制”下的任何一位国王，是否拥有民主制中许多高级官员所握有的那种权威，是值得怀疑的。当时，在君主声称拥有的权力与对个人有效行使这一权力之间，存在着太多社会障碍。教会、家庭、行会（gild）和地方共同体效忠
In effect, what the American Constitution did was only this: Instead of a king who regarded colonial America as his private property and the colonists as his tenants, the Constitution put temporary and interchangeable caretakers in charge of the country’s monopoly of justice and protection. These caretakers did not own the country, but as long as they were in office, they could make use of it and its residents to their own and their proteges advantage. However, as elementary economic theory predicts, this institutional setup will not eliminate the self-interest-driven tendency of a monopolist of law and order towards increased exploitation. To the contrary, it only tends to make his exploitation less calculating, more shortsighted, and wasteful. As Rothbard explained:

From the perspective, the American Constitution did nothing more than this: Instead of the king who regarded colonial America as private property and the colonists as his tenants, the Constitution put temporary and interchangeable caretakers in charge of the country’s monopoly of justice and protection. These caretakers did not own the country, but as long as they were in office, they could make use of it and its residents to their own and their proteges advantage. However, as elementary economic theory predicts, this institutional setup will not eliminate the self-interest-driven tendency of a monopolist of law and order towards increased exploitation. To the contrary, it only tends to make exploitation less calculating, more shortsighted, and wasteful. As Rothbard explained:

while a private owner, secure in his property and owning its capital value, plans the use of his resource over a long period of time, the government official must milk the property as quickly as he can, since he has no security of ownership government officials own the use of resources but not their capital value (except in the case of the “private property” of a hereditary monarch). When only the current use can be owned, but not the resource itself, there will quickly ensue uneconomic exhaustion of the resources, since it will be to no one’s benefit to conserve it over a period of time and to every owner’s advantage to use it up as quickly as possible... The private individual, secure in his property and in his capital resource, can take the long view, for he wants to maintain the capital value of his resource. It is the government official who must take and run, who must plunder the property while he is still in command. [1]

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Moreover, because the Constitution provided explicitly for "open entry" into state-government—anyone could become a member of Congress, president, or a Supreme Court judge—resistance against state property invasions declined; and as the result of "open political competition" the entire character structure of society became distorted, and more and more bad characters rose to the top. For free entry and competition is not always good. Competition in the production of goods is good, but competition in the production of bads is not. Free competition in killing, stealing, counterfeiting, or swindling, for instance, is not good; it is worse than bad. Yet this is precisely what is instituted by open political competition, i.e., democracy.

此外，因为宪法明确规定了对国家政府“开放准入”——即任何人都可以成为国会成员、总统或最高法院法官——对国家侵犯财产的抵抗衰落了；由于“公开的政治竞争”，整个社会的性格结构也被扭曲了，越来越多的品行不良者爬上了社会顶峰。因此，在杀戮、盗窃、伪造或欺诈方面的自由竞争，就不是好事；它坏得不能再坏了。然而，这正是公开的政治竞争，即民主，所制造的结果。

In every society, people who covet another man's property exist, but in most cases people learn not to act on this desire or even feel ashamed for entertaining it. In an anarcho-capitalist society in particular, anyone acting on such a desire is considered a criminal and is suppressed by physical violence. Under monarchical
rule, by contrast, only one person—the king—can act on his desire for another man's property, and it is this that makes him a potential threat. However, because only he can expropriate while everyone else is forbidden to do likewise, a king's every action will be regarded with utmost suspicion." Moreover, the selection of a king is by accident of his noble birth. His only characteristic qualification is his upbringing as a future king and preserver of the dynasty and its possessions. This does not assure that he will not be evil, of course. However, at the same time it does not preclude that a king might actually be a harmless dilettante or even a decent person.32

Every society contains some rulers, but, in most cases, people have learned not to do this desire. In particular in non-capitalist societies, anyone with this desire will be considered a criminal and be forcibly suppressed. In contrast, in the rule of a king, only one person—king—may act on his desire for another man's property, because only he can expropriate while everyone else is forbidden to do likewise, and a king's every action will be regarded with utmost suspicion. Moreover, the selection of a king is by accident of his noble birth. His only characteristic qualification is his upbringing as a future king and preserver of the dynasty and its possessions. This does not assure that he will not be evil, of course. However, at the same time it does not preclude that a king might actually be a harmless dilettante or even a decent person.32

In distinct contrast, by freeing up entry into government, the Constitution permitted anyone to openly express his desire for another man's property; indeed, owing to the constitutional guarantee of "freedom of speech," everyone is protected in so doing. Moreover, everyone is permitted to act on this desire, provided that he gains entry into government; hence, under the Constitution everyone becomes a potential threat.

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To be sure, there are people who are unaffected by the desire to enrich themselves at the expense of others and to lord it over them; that is, there are people who wish only to work, produce, and enjoy the fruits of their labor. However, if politics—the acquisition of goods by political means (taxation and legislation)—is

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permitted, even these harmless people will be profoundly affected. In order to defend themselves against attacks on their liberty and property by those who have fewer moral scruples, even these honest, hardworking people must become "political animals" and spend more and more time and energy developing their political skills. Given that the characteristics and talents required for political success—of good looks, sociability, oratorical power, charisma, etc.—are distributed unequally among men, then those with these particular characteristics and skills will have a sound advantage in the competition for scarce resources (economic success) as compared to those without them.

的确存在这样的人，他们不为损人利己之欲望、对可颐指气使他人之欲望所动；也就是说，有些人的愿望只是工作、生产和享受自己的劳动成果。然而，如果政治——通过政治手段，即征税和立法的手段获得商品——是被容许的，即便是这些人畜无害的人也会被深深地影响。为了捍卫自己的自由与财产免受那些更少道德顾虑之人的侵犯，甚至那些诚实的、努力工作的人，也必须成为“政治动物”，花费越来越多的时间和心力提升他们的政治技巧。鉴于政治成功所需之性格与天赋——英俊的外表、社交能力、演讲能力和个人魅力等等——在人群中分配不均，那么，那些拥有这些独特性格和技巧的人，与缺乏这类质素的人相比，在稀缺资源（获得经济成功）的竞争中，就具备了合理的优勢（sound advantage）。

Worse still, given that in every society more "have-nots" of everything worth having exist than "haves," the politically talented who have little or no inhibition against taking property and lording it over others will have a clear advantage over those with such scruples. That is, open political competition favors aggressive (hence dangerous) rather than defensive (hence harmless) political talents and will thus lead to the cultivation and perfection of the peculiar skills of demagoguery, deception, lying, opportunism, corruption, and bribery. Therefore, entrance into and success within government will become increasingly impossible for anyone hampered by moral scruples against lying and stealing. Unlike kings then, congressmen, presidents, and Supreme Court judges do not and cannot acquire their positions accidentally. Rather, they reach their position because of their proficiency as morally uninhibited demagogues. Moreover, even outside the orbit of government, within civil society, individuals will increasingly rise to the top of economic and financial success not on account of their productive or entrepreneurial talents or even their superior defensive political talents, but rather because of their superior skills as unscrupulous political entrepreneurs and lobbyists. Thus, the Constitution virtually assures that exclusively dangerous men will rise to the pinnacle of government power and that moral behavior and ethical standards will tend to decline and deteriorate all-around.
Moreover, the constitutionally provided "separation of powers" makes no difference in this regard. Two or even three wrongs do not make a right. To the contrary, they lead to the proliferation, accumulation, reinforcement, and aggravation of error. Legislators cannot impose their will on their hapless subjects without the cooperation of the president as the head of the executive branch of government, and the president in turn will use his position and the resources at his disposal to influence legislators and legislation. And although the Supreme Court may disagree with particular acts of Congress or the president, Supreme Court judges are nominated by the president and confirmed by the Senate and remain dependent on them for funding. As an integral part of the institution of government, they have no interest in limiting but every interest in expanding the government's, and hence their own, power.

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此外，宪法规定的“分权”在这些方面并没有带来任何不同。两个甚至三个“错的东西（wrongs）”不会缔造出“一个正确的东西（a right）”。相反，他们导致了错误的滋长、累积、强化以及加剧。没有作为政府执行部门领袖的总统之合作，立法者无法将他们的意志强加给不幸的臣民，反过来，总统会利用其地位和资源影响立法者和立法。尽管最高法院可能否决国会或总统为特定法案，但最高法院法官是由总统提名并由参议院确认的，并且在资金上依赖他们。作为政府机构不可分割的一部分，他们对限制政府，从而限制他们自己的权力毫无兴趣，但是有浓厚的兴趣去扩张这种权力。34

34 原注：关于这一主题，极其精彩，极具预言性的分析，见约翰・C・卡尔霍恩（John C. Calhoun）《关于政府的专题研究（A Disquisition on Government）》（New York: Liberal Arts Press, 1953）。在该书中，卡尔霍恩指出：成文宪法当然有许多优势，但如果认为仅仅插入约束和限制政府权力的条款，而不同这些条款要保护的对象提供强制执行的手段，就足以主要的和占主导地位的党派滥用权力，这是一个巨大的错误。作为执政党，他们会……支持宪法赋予他们的权力，反对旨在限制这些权力的约束。作为主要和占主导地位的政党，他们不需要这些约束来保护自己……相反，小而弱的党派，则会选择对立的方向，将这些约束视为保护自己对付主导政党的必要条件……但是，当他们没有办法使主要政党服从这些约束时，他们只能诉诸严格的宪法解释……对此，主要政党会以宽大的解释（liberal construction）加以反对一
IV 民主制度的替代选项

After more than two centuries of "constitutionally limited government," the results are clear and incontrovertible. At the outset of the American "experiment," the tax burden imposed on Americans was light, indeed almost negligible. Money consisted of fixed quantities of gold and silver. The definition of private property was clear and seemingly immutable, and the right to self-defense was regarded as sacrosanct. No standing army existed, and, as expressed in Washington's Farewell Address, a firm commitment to free trade and a noninterventionist foreign policy appeared to be in place. Two hundred years later, matters have changed dramatically.16 Now, year in and year out the American government expropriates more than 40 percent of the incomes of private producers, making even the economic burden imposed on slaves and serfs seem moderate in comparison. Gold and silver have been replaced by government-manufactured paper money, and Americans are being robbed continually through money inflation. The meaning of private property, once seemingly clear and fixed, has become obscure, flexible, and fluid. In fact, every detail of private life, property, trade, and contract is regulated and reregulated by ever higher mountains of paper laws (legislation), and with increasing legislation, ever more legal uncertainty and moral hazards have been created, and lawlessness has replaced law and order. Last but not least, the commitment to free trade and noninterventionism has given way to a policy of protectionism, militarism, and imperialism. In fact, almost since its beginnings the U.S. government has engaged in relentless aggressive expansionism and, starting with the Spanish-American War and continuing past World War I and World War II to the present, the U.S.

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今年的解释，将给予授权内容所可能具有的最广泛含义。那么，就会出现以解释对抗解释的状况——一方要缩减政府权力，另一方面则要将政府权力扩张到极致。但当一方拥有使方解释生效的所有政府权力，而另一方被剥夺了实行其解释的一切手段时，小党以严格解释对抗大党的宽大解释，有什么可行性？竞赛如此不公，结果毋庸置疑。支持约束的党派会失败……对抗的终点就是宪法被颠覆……约束最终会无效，而政府会转变成拥有无限制权力的东西……将政府划为互相独立的部门，也无法阻止这一结果……因为每一个，以及所有部分——当然，以及整个政府——都受多数派的控制，所以仅仅在代理人或代表人物之间分权，几无可能遏制政府压迫与滥权的趋势，这一点如此明显，无需再做解释。

然后，罗斯巴德总结并评论了这种分析：

事实证明，宪法成了批准扩大国家权力的工具，而非相反。正如卡尔霍恩所看到的，任何给政府留下解释其权力之空间的字面限制，必然会解释为扩大而非缩小这些权力的裁决。在深层的意义上讲，以成文宪法约束权力的宪法，已经被证明是显著的失败经验。严格限制政府的想法，已经被证明是乌托邦；必须找到一些其他更加激进的手段，来阻止侵略性国家的发展。

（《为了新自由（For A New Liberty）》第 67 页）

另见安东尼·德·雅赛（Anthony de Jasay）《反对政治：论政府，无政府状态和秩序（Against Politics: On Government, Anarchy, and Order）》（London: Routledge, 1997），尤其是第二章。
has become entangled in hundreds of foreign conflicts and risen to the rank of the world's foremost warmonger and imperialist power. In addition, while American citizens have become increasingly more defenseless, insecure, and impoverished, and foreigners all over the globe have become ever more threatened and bullied by U.S. military power, American presidents, members of Congress, and Supreme Court judges have become ever more arrogant, morally corrupt, and dangerous.

在经历了两百多年“宪政限制的小政府”之后，结果已经非常清晰，而且不可控了。在美式“经验”之初，强加给美国人的税负很轻，实际上几乎可以忽略不计。货币由确定数量的黄金和白银组成。私有财产的定义清晰，看上去不会有变化，自卫权被认为是神圣的。尽管存在军队，但正如华盛顿在告别演说中所言，对自由贸易和不干预主义外交政策的确定承诺已经就位。二百年后，事情发生了极大的变化。现在，美国政府年复一年地从私人生产者那里征掠超过40%的收入，相比之下，强加给奴隶和农奴的经济负担，看上去甚至还更温和一些。黄金和白银被政府制造的纸币所取代，美国人被持续不断的通货膨胀劫掠。曾经看似清晰明确的私有财产之含义，如今变得越来越模糊、游移和变化莫测。事实上，私人生活、财产、贸易与合约的每个细节，都被规模越来越高耸的纸面法律（人定法[legislation])和越来越频繁的立法一管再管（regulated and reregulated），产生了越来越多的法律不确定性与道德风险，无法无天（lawlessness）取代了法律和秩序。最后但并非最不重要的是，对自由贸易和非干预主义的承诺已经让位给保护主义、军国主义和帝国主义政策。事实上，几乎从一开始，美国政府就在实行无情的侵略性扩张主义，从美西战争开始，经由一战、二战，一直持续到今天，美国已经卷入数百次外国冲突，跻身于全世界最主要的战争贩子与帝国主义大国之列。另外，在美国公民越来越没有防备力、越来越不安全、越来越贫困的同时，遍及全球的外国人也受到越来越多的美国军事力量的威胁和恐吓。美国总统、国会议员和最高法院法官也变得越来越傲慢、道德沦丧和危险。36


在很久很久以前，有那么一个时代，普通美国人日常外出做事（go about business）时几乎意识不到政府——尤其是联邦政府的存在。作为农夫、商人或工厂主，他自己可以决定生产和出售其商品的品种、方式、时间和地点，只受市场力量的约束。想想看：没有农田补贴、价格支持或耕种面积限制；没有联邦贸易委员会；没有反托拉斯法；没有州际商务委员会。作为雇工、雇员、消费者、投资者、贷款者，借款人或老师，他大体上可以按照自己的意愿行事。想想看：没有国家劳动关系委员会；没有联邦消费者“保护”法；没有证券交易委员会；没有平等就业机会委员会；没有卫生和公共服务部。因为没有央行发行国家纸币，人们通常使用金属货币。没有一般销售税，没有社保税，没有所得税。尽管彼时政府官员与如今一样腐败，也许更腐败，但他们可以腐败的事物却远不如今天。那时候，公民个人的开销，大约是所有政府开支总和的15倍——那一样的日子，已经一去不复返了。

36 原注：关于美国政府的扩张，特别是战争在这一发展中的作用，见《战争的代价：美国得不偿失的胜利（The Costs of War: America’s Pyrrhic Victories）》，约翰·V·但森（John V. Denson）主编（New Brunswick, NE: Transaction Publishers, 1999）。希格斯（Higgs）《危机与利维坦（Crisis and Leviathan）》；埃克哈德·克里彭多夫（Ekkehard Krippendorff）《国家与战争（Staten und Krieg）》（Frankfurt/M: Suhrkamp, 1985），尤其是90-116页；《利维坦新历史（A New History
What can possibly be done about this state of affairs? First, the American Constitution must be recognized for what it is—an error. As the Declaration of Independence noted, government is supposed to protect life, property, and the pursuit of happiness. Yet in granting government the power to tax and legislate without consent, the Constitution cannot possibly assure this goal but is instead the very instrument for invading and destroying the rights to life, liberty, and the pursuit of happiness. It is absurd to believe that an agency which may tax without consent can be a property protector. Likewise, it is absurd to believe that an agency with legislative powers can preserve law and order. Rather, it must be recognized that the Constitution is itself unconstitutional, i.e., incompatible with the very doctrine of natural human rights that inspired the American Revolution.

Indeed, no one in his right mind would agree to a contract that allowed one's alleged protector to determine unilaterally—without one's consent—and irrevocably—without the possibility of exit—how much to charge for protection; and no one in his right mind would agree to an irrevocable contract which granted one's alleged protector the right to ultimate decisionmaking regarding one's own person and property, i.e., of unilateral lawmaking.

For this state of affairs, we can do what? First, we must recognize the American Constitution as it is—a mistake. As the Declaration of Independence noted, government is supposed to protect life, property, and the pursuit of happiness. However, when granting government the power to tax and legislate without consent, the Constitution cannot possibly assure this goal but is instead the very instrument for invading and destroying the rights to life, liberty, and the pursuit of happiness. It is absurd to believe that an agency which may tax without consent can be a property protector. Likewise, it is absurd to believe that an agency with legislative powers can preserve law and order. Rather, it must be recognized that the Constitution is itself unconstitutional, i.e., incompatible with the very doctrine of natural human rights that inspired the American Revolution.

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对于这种事态，我们能做点什么？首先，我们必须认识到美国宪法的荒谬——它是一个错误。正如《独立宣言》所指，政府应该保护生命、财产和追求幸福的权利。然而，因为未经同意就能授予政府征税和立法的权力，宪法不可能确保这一目标，反而是侵犯和破坏人民生命、财产与追求幸福的权利的机构。相信一个可以未经同意而征税的机构能够成为财产保护者，这是荒谬的。同样荒谬的是，相信拥有立法权力的机构能够维护法律和秩序。更确切地说，人们必须认识到，美国宪法本身就反宪法的，也就是说，它与激发了美国革命的自然权利学说是不相容的。实际上，任何一个头脑正常的人，都不会同意签署允许其所谓的保护者未经他同意，就单方面决定（且不可撤销，即没有退出的可能性）应收取多少保护费的合同；任何一个头脑正常的人，都不会同意签署只因其人与财产授予其所谓的保护者终极决定权的不可撤销的合同，亦即不会同意签署单方造法（unilateral lawmaking）的合约。


38 原注：事实上，任何这类保护合约，不仅在经验上不可能，而且逻辑上和行动学上也是不可能的。“通过同意被征税和立法以获保护”，人们实际上将其所有财产权拱手交给（让与）征税当局，并将自己置于立法机构的永久奴役之下。然而，任何这类合约从一开始就是不被允许的，因此也是没有法律效力的（null and void），因为它与保护性合约的本质是互相矛盾的。这种本质亦即人们需要被保护的自我所有权，以及存在某种被保护者（而非保护者）所有的东西，即分立的私有财产。

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Second, it is necessary to offer a positive and inspiring alternative to the present system.

其次，有必要针对当前体制，提出一个积极的和鼓舞人心的替代方案。

While it is important that the memory of America's past as a land of pioneers and an effective anarcho-capitalist system based on self-defense and popular militias be kept alive, we cannot return to the feudal past or the time of the American Revolution. Yet the situation is not hopeless. Despite the relentless growth of statism over the course of the past two centuries, economic development has continued and our living standards have reached spectacular new heights. Under these circumstances a completely new option has become viable: the provision of law and order by freely competing private (profit and loss) insurance agencies.

虽然，保留美国——作为土地拓荒的先驱，和基于自卫与民兵的富有成效的无政府资本主义体系——的鲜活历史记忆，是非常重要的，但是，我们无法回到过去的封建时代或美国革命年代。然而，情势也并非毫无希望。尽管过去二百年进程中国家主义在不懈地发展，但经济发展也仍在持续，我们的生活水平已经达到了惊人的新高度。在这种情况下，一种全新的选择变得可行：由自由竞争（自负盈亏）的保险机构提供法律与秩序。39
While hampered by the state, even now insurance agencies protect private property owners upon payment of a premium against a multitude of natural and social disasters, from floods and hurricanes to theft and fraud. Thus, it would seem that the production of security and protection is the very purpose of insurance. Moreover, people would not turn to just anyone for a service as essential as that of protection. Rather, as de Molinari noted,

虽然受到国家的阻碍，即使是现在的保险机构，也保护了支付了保险费的私有财产免受诸多自然与社会灾难（从洪水、飓风到盗窃、诈骗）之害。因此，安全与保护的生产似乎正是保险的宗旨。此外，人们不会像任何人寻求与保护一样重要的服务。更确切地说，正如德·莫利纳里所指：

before striking a bargain with (a) producer of security, . . . they will check if he is really strong enough to protect them (and) whether his character is such that they will not have to worry about his instigating the very aggressions he is supposed to suppress. 21

在与安保生产者讨价还价之前……如果他真的足够强壮足以保护他们，他们会查看他是否真的强壮到足以保护他们，（以及）他的性格是否足以不让他们必须担心他会挑起他本该镇压的侵略。

In this regard insurance agencies also seem to fit the bill. They are "big" and in command of the resources—physical and human—necessary to accomplish the task of dealing with the dangers, actual or imagined, of the real world. Indeed, insurers operate on a national or even international scale, and they own substantial property holdings dispersed over wide territories and beyond the borders of single states and thus have a manifest self-interest in effective protection. Furthermore, all insurance companies are connected through a complex network of contractual agreements on mutual assistance and arbitration as well as a system of international reinsurance agencies representing a combined economic power which dwarfs most if not all contemporary governments, and they have acquired this position because of their reputation as effective, reliable, and honest businesses.

在这方面，保险机构也貌似符合要求。他们“很大”，并指挥着必要的武力和人力资源，这些资源足以对付真实世界中实际或可想象的危险。实际上，保险公司在国家甚至国际规模上运作，他们拥有大

40 原注：德·莫利纳里（De Molinari）《安保的生产（The Production of Security）》第12页。
量的财产，分散在广袤的领土上，越过了单一国家的边界，因此，高效地保护符合他们自己的利益。此外，所有保险公司都通过一个复杂的网络联系在一起，这个网络包括了由互助和仲裁的合约性协定，以及一个国际再保险机构系统，网络本身就代表了一种让大部分（如果不是全部的话）当代政府相形见绌的经济力量，而且，作为高效、可靠和诚实的企业，它们已经因为自身的声誉，获得了这种地位。

While this may suffice to establish insurance agencies as a possible alternative to the role currently performed by states as providers of law and order, a more detailed examination is needed to demonstrate the principal superiority of such an alternative to the status quo. In order to do this, it is only necessary to recognize that insurance agencies can neither tax nor legislate; that is, the relationship between the insurer and the insured is consensual. Both are free to cooperate or not to cooperate, and this fact has momentous implications. In this regard, insurance agencies are categorically different from states.

虽然将保险机构作为当前由政府扮演的法律与秩序提供者角色之可能的替代方案，也许已经足够，但是要证明它比现状具有根本上的优越性，还需要更详细的检验。要做到这一点，只需要认识到保险机构既不能征税，又不能立法；也就是说，保险公司与投保人之间是协商一致的关系。双方都有合作或不合作的自由，这一事实隐含了重大意义。在这方面，保险机构与国家截然不同。

The advantages of having insurance agencies provide security and protection are as follows. First off, competition among insurers for paying clients will bring about a tendency toward a continuous fall in the price of protection (per insured value), thus rendering protection more affordable. In contrast, a monopolistic protector who may tax the protected will charge ever higher prices for his services.

提供安全与保护的保险机构的优势如下。首先，保险公司之间为付费客户展开的竞争，会导致（每单位被保险价值的）保护价格趋于持续下降，因此使得保护更为经济实惠。相比之下，一个可以向被保护人征税的垄断主义保护者，会为其服务开出更高的价格。①

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① 原注：正如罗斯巴德所解释的那样：

甚至如果政府只限于“保护”人身和财产，而税收“只限于”提供这种服务，那么政府如何决定提供多少保护和征收多少税款？因为，与有限政府理论相反，“保护”不会比社会上其他商品和服务更具有集体性和整体性……实际上，“保护”可以被想象为任何东西，作为整个国家提供一名警察，要为每个公民提供武装保镖和坦克——后者是一项会让整个社会立即破产的提议。但是，既然无可否认，如果给每个人提供武装保镖会让每个人都得到更好的免受盗窃与袭击的保护，那么谁来决定应该提供多少保护呢？在自由市场，应由每个人提供的任何商品或服务之数量和品质之决定，是由每一个个体的自愿购买行为作出的；但是，当由政府来做这个决定时，应该适用什么标准呢？答案是根本不存在任何标准，政府的这类决定只会是纯粹武断的。（《自由的伦理（The Ethics of Liberty）》，第180–181页）
Second, insurers will have to indemnify their clients in the case of actual damage; hence, they must operate efficiently. Regarding social disasters (crime) in particular, this means that the insurer must be concerned above all with effective prevention, for unless he can prevent a crime, he will have to pay up. Further, if a criminal act cannot be prevented, an insurer will still want to recover the loot, apprehend the offender, and bring him to justice, because in so doing the insurer can reduce his costs and force the criminal—rather than the victim and his insurer—to pay for the damages and cost of indemnification. In distinct contrast, because compulsory monopolists states do not indemnify victims and because they can resort to taxation as a source of funding, they have little or no incentive to prevent crime or to recover loot and capture criminals. If they do manage to apprehend a criminal, they typically force the victim to pay for the criminal's incarceration, thus adding insult to injury.

Third and most importantly, because the relationship between insurers and their clients is voluntary, insurers must accept private property as an ultimate "given" and private property rights as immutable law. That is, in order to attract or retain paying clients, insurers will have to offer contracts with specified property and property damage descriptions, rules of procedure, evidence, compensation, restitution, and punishment as well as intra- and interagency conflict resolution and arbitration procedures. Moreover, out of the steady

另见瑞·N·罗斯巴德《为了新自由 (For A New Liberty)》 (New York: Collier, 1978)，第215页及后。

注：罗斯巴德评论道：

优先补偿受害者的理念在法律中拥有大量先例。事实上，这是一个古老的法律原则，随着国家权力的扩张及对司法机构的垄断，这一原则逐渐消亡……事实上，在中世纪，普遍来说，补偿受害者的理念在惩罚理论中占主导地位；只是当国家变得越来越强大时……惩罚的重点从赔偿受害者……转变为对所谓“反对国家”的犯罪的惩罚……如今遵循的是下这种荒谬的做法：A偷了B的15000美元。政府追查，审判并判A定罪。所有的费用均由B一一作为在此过程中受害的无数纳税人中的一员一一来承担。然而，政府不是强迫A偿还B的损失或强制A劳动直至其能够偿清债务，而是强迫受害者B缴纳罚款，以支付罪犯监禁10年或20年所需费用。这里还有正当性存在吗？ (《自由的伦理 (The Ethics of Liberty)》第86-87页)
cooperation between different insurers in mutual interagency arbitration proceedings, a tendency toward the unification of law—of a truly universal or "international" law—will emerge. Everyone, by virtue of being insured, would thus become tied into a global competitive effort to minimize conflict and aggression; and every single conflict and damage claim, regardless of where and by or against whom, would fall into the jurisdiction of exactly one or more specific and innumerable insurance agencies and their contractually agreed to arbitration procedures, thereby creating "perfect" legal certainty. In striking contrast, as tax-funded monopoly protectors states do not offer the consumers of protection anything even faintly resembling a service contract. Instead, they operate in a contractual void that allows them to make up and change the rules of the game as they go along. Most remarkably, whereas insurers must submit themselves to independent third party arbitrators and arbitration proceedings in order to attract voluntary paying clients, states, insofar as they allow for arbitration at all, assign this task to another state-funded and state-dependent judge. 4

第三，也是最重要的一点，因为保险公司与其客户之间的关系是自愿的，保险公司必须接受：私有财产是一种终极“给定”，私有财产权法是不变的法律。也就是说，为了吸引或留住付费客户，保险公司不得不向客户提供明确的财产和财产伤害清单，程序、证据、赔偿、补偿和惩罚规则，以及机构内外的冲突解决方案和仲裁程序。此外，不同保险公司之间在跨机构共同仲裁程序的稳定合作中，将会出现法律统一——一种真正普遍的或“跨国”的法律——的趋势。由于购买了保险，每个人都绑定了一个努力将冲突和侵略最小化的全球性竞争企业；每次冲突和伤害索赔，不管在哪里，由谁提出或针对谁，都会纳入一个、数个或无以计数的专业保险机构的精确管辖范围，这些机构根据合约，就仲裁程序达成了一致，因此创造了“完美的”法律确定性。与此对比鲜明的是，作为由税金资助的垄断保护者，国家没有就对消费者的保护提供任何哪怕只是看起来稍稍有点像服务合同的东西。相反，他们在合同的真空处上下其手，这种真空使得他们可以边做边判定并改变游戏规则。最引人注目的是，当保险公司为了吸引自愿付费客户，必须服从第三方仲裁者和仲裁程序时，国家，只要允许它们仲裁，就会将这项任务交给另一个由国家资助的和依赖国家的法官。 41

4 原注：金融机构，只要他们与每一位客户签订双边合同，就完全满足了“代议”政府的古老和原始要求，布鲁诺•莱奥尼（Bruno Leoni）指出，“政治代表性在其起源上与代议者充当他人代理人及根据后者意愿行事的观念密切相关”。（《自由与法律》，第 118-19 页；另见上文注 422）。与之对比鲜明的是，现代民主政府是对代议制政府最初理念的彻底歪曲——事实上是完全废弃。今天，一个人无论如何都被视为在政治上是“被代表的”，亦即，政治决策无视其个人及其代表的意愿和行动。

如果一个人投票了，他就是被代表了，但如果没有投票，他也是被代表了。如果他投票支持的候选人当选，他就是被代表了，但如果其他候选人当选了，他也是被代表了。无论候选人（不管有没有投他的票）是否做了他希望该候选人去做事，他都是被代表了。无论“他的”代表是否在所有当选代表中获得了多数支持，他都会被认为在政治上被代表了。正如莱桑德•斯普纳（Lysander Spone）所指出的那样：

事实上，投票不应作为同意的证据……相反，它应该被视为，人们未被征得同意的情况下，就已经是被一个他无法抵抗的政府所包围；这个政府让他身处重罚的险境，以此迫使他交钱，提供服务和放弃行使许多自然权利。他也看到，其他人利用选票对他施加暴政。他更加明白，如果自己得以利用选票，他就有机会通过迫使其他人屈从自己的意志，从而使自己摆脱
Further implications of this fundamental contrast between insurers as contractual versus states as noncontractual providers of security deserve special attention.

Because they are not subject to and bound by contracts, states typically outlaw the ownership of weapons by their "clients," thus increasing their own security at the expense of rendering their alleged clients defenseless. In contrast, no voluntary buyer of protection insurance would agree to a contract that required him to surrender his right to self-defense and be unarmed or otherwise defenseless. To the contrary, insurance agencies would encourage the ownership of guns and other protective devices among their clients by means of selective price cuts, because the better the private protection of their clients, the lower the insurers' protection and indemnification costs will be.

Moreover, because they operate in a contractual void and are independent of voluntary payment, states arbitrarily define and redefine what is and what is not a punishable "aggression" and what does and does not require compensation. By imposing a proportional or progressive income tax and redistributing income from...
the rich to the poor, for instance, states in effect define the rich as aggressors and the poor as their victims. (Otherwise, if the rich were not aggressors and the poor not their victims, how could taking something from the former and giving it to the latter be justified?) Or by passing affirmative action laws, states effectively define whites and males as aggressors and blacks and women as their victims. For insurance agencies, any such business conduct would be impossible for two fundamental reasons.  

此外，因为国家在合约的真空地带运作，而且不依赖于自愿支付，所以它们任意定义“什么是和不是‘侵犯’，什么事情要和不要赔偿”，并任意地修改这个定义。例如，通过征强比例税或累进税和将收入从富人再分配给穷人，国家实际上将富人定义为侵犯者，而穷人是受害者。（否则，如果富人不是侵犯者，如果穷人不是富人的受害者，夺两者之物与后者，如何能被证明为正当？）或者，通过平权行动法，国家实际上定义了白人和男性是侵犯者，而黑人和女性是他们的受害者。对保险机构来说，出于两个根本性的理由，任何类似商业行为都是不可能的。  

First, every insurance involves the pooling of particular risks into risk classes. It implies that to some of the insured more will be paid out than what they paid in, and to others less. However, and this is decisive, no one knows in advance who the "winners" and who the "losers" will be. Winners and losers—and any income redistribution among them—will be randomly distributed. Otherwise, if winners and losers could be systematically predicted, losers would not want to pool their risk with winners but only with other losers because this would lower their insurance premium.  

首先，每一种保险业务都涉及将特定风险汇集到风险类别中来。它意味着，对某些投保人来说，他们的进项会高于保额，而其他人则相反。然而，没有人预先知道谁会是“赢家”，谁会是“输家”，而这一点是决定性的。赢家和输家——以及他们之间的任何收入再分配——都是随机分配的。否则，如果输家和赢家能被系统性地预知，输家就不会愿意与赢家，而只会与其他输家共担风险，因为这会降低他们的保险费。  

Second, it is not possible to insure oneself against any conceivable "risk." Rather, it is only possible to insure oneself against "accidents," i.e., risks over whose outcome the insured has no control whatsoever and to

which he contributes nothing. Thus, it is possible to insure oneself against the risk of death or fire, for instance, but it is not possible to insure oneself against the risk of committing suicide or setting one's own house on fire. Similarly, it is impossible to insure oneself against the risk of business failure, of unemployment, of not becoming rich, of not feeling like getting up and out of bed in the morning, or of disliking one's neighbors, fellows or superiors, because in each of these cases one has either full or partial control over the event in question. That is, an individual can affect the likelihood of the risk. By their very nature, the avoidance of risks such as these falls into the realm of individual responsibility, and any agency that undertook their insurance would be slated for immediate bankruptcy. Most significantly for the subject under discussion, the uninsurability of individual actions and sentiments (in contradistinction to accidents) implies that it is also impossible to insure oneself against the risk of damages which are the result of one's prior aggression or provocation. Rather, every insurer must restrict the actions of its clients so as to exclude all aggression and provocation on their part. That is, any insurance against social disasters such as crime must be contingent on the insured submitting themselves to specified norms of nonaggressive—civilized—conduct.

Accordingly, while states as monopolistic protectors can engage in redistributive policies benefiting one group of people at the expense of another, and while as tax-supported agencies they can even "insure" uninsurable risks and protect provocateurs and aggressors, voluntarily funded insurers would be systematically prevented from doing any such thing. Competition among insurers would preclude any form of income and wealth redistribution among various groups of insured, for a company engaging in such practices would lose clients to others refraining from them. Rather, every client would pay exclusively for his own risk, respectively that of people with the same (homogeneous) risk exposure as he faces. Nor would voluntarily funded insurers be able to "protect" any person from the consequences of his own erroneous,
foolish, risky, or aggressive conduct or sentiment. Competition between insurers would instead systematically encourage individual responsibility, and any known provocateur and aggressor would be excluded as a bad insurance risk from any insurance coverage whatsoever and be rendered an economically isolated, weak, and vulnerable outcast.

Therefore, as a protective measure, nations can implement wealth-redistributing policies that benefit one group at the expense of another; although these tax-funded institutions, they are also the ones who are theoretically capable of providing “insurance,” and protecting provocateurs and aggressors, while being voluntarily funded by the insurers who would be systemically prevented from engaging in any form of external aggression because any aggression is costly and requires higher insurance premiums, implying the loss of clients to other, nonaggressive competitors. Insurers will engage exclusively in defensive violence and instead of acquiring weapons of aggression and mass destruction, they will tend to invest in the development of weapons of defense and of targeted retaliation.

Finally, with regard to foreign relations, because states can externalize the costs of their own actions onto hapless taxpayers, they are permanently prone to becoming aggressors and warmongers. Accordingly, they tend to fund and develop weapons of aggression and mass destruction. In distinct contrast, insurers will be prevented from engaging in any form of external aggression because any aggression is costly and requires higher insurance premiums, implying the loss of clients to other, nonaggressive competitors. Insurers will engage exclusively in defensive violence and instead of acquiring weapons of aggression and mass destruction, they will tend to invest in the development of weapons of defense and of targeted retaliation.

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Ultimately, because the nation can encourage the development of weapons of defense and of targeted retaliation, and because any aggression is costly and requires higher insurance premiums, implying the loss of clients to other, nonaggressive competitors. Insurers will engage exclusively in defensive violence and instead of acquiring weapons of aggression and mass destruction, they will tend to invest in the development of weapons of defense and of targeted retaliation.

45 注：一方面，因为被被认为有相同或类似风险敞口的个人归入同一风险组，并按单位保险价值给每个人相同报价；另一方面，因为被区分风险敞口的不同组别风险精确区分不同类别个体，并按单位保险价值向不同风险组别之成员给出不同报价（价格分别精确反映出不同组别成员之间质程度），保险公司会系统性地促进上文提到的自然的人类趋势（见注416）——“互相喜欢的人”发生联系，而歧视“不喜欢的人”，并与他们物理区隔。关于国家通过强制一体化政策，打破和摧毁同质群体和同质性联系的趋势，将第7、9、10章。
V 分离主义：通过民间保险实现安保市场化的前提和策略

Even though all of this is clear, how can we ever succeed in implementing such a fundamental constitutional reform? Insurance agencies are presently restricted by countless regulations which prevent them from doing what they could and naturally would do. How can they be freed from these regulations?

纵使一切已了然，我们如何能成功完成这一根本性的宪政改革？如今，保险机构受限于无数管制，这阻止了他们从事任何他们能够，而且自然会为之之事。如何将他们从这些管制中解放出来？

Essentially, the answer to this question is the same as that given by the American revolutionaries more than two-hundred years ago: through the creation of free territories and by means of secession.

本质上，这类疑问的答案，与二百多年前美国革命给出的答案是一样的：通过创造自由领土和以分离为手段来实现。

In fact today under democratic conditions this answer is even truer than it was in the days of kings. For then, under monarchical conditions, the advocates of an antistatist liberal-libertarian social revolution still had an option that has since been lost. Liberal-libertarians in the old days could—and frequently did—believe in the possibility of simply converting the king to their view, thereby initiating a "revolution from the top." No mass support was necessary for this—just the insight of an enlightened prince. However realistic this might have been then, today this top-down strategy of social revolution would be impossible. Not only are political leaders selected nowadays according to their demagogic talents and proven record as habitual immoralists, as has been explained above; consequently, the chance of converting them to liberal-libertarian views must be considered even lower than that of converting a king who simply inherited his position. Moreover, the state's

原注：另见第 12 章；以及莫里斯 (Morris) 和琳达・坦尼希尔 (Linda Tannehill) 《自由的市场 (The Market for Liberty)》，第 11、13 和 14 章。
protection monopoly is now considered public rather than private property, and government rule is no longer tied to a particular individual but to specified functions exercised by anonymous functionaries. Hence, the one-or-few-men-conversion strategy can no longer work. It does not matter if one converts a few top government officials—the president and some leading senators or judges, for instance—because within the rules of democratic government no single individual has the power to abdicate the government's monopoly of protection. Kings had this power, but presidents do not. The president can resign from his position, of course, only to have it taken over by someone else. He cannot dissolve the governmental protection monopoly because according to the rules of democracy, "the people," not their elected representatives, are considered the "owners" of government.

事实上，今天，在民主制条件下，答案比国王时代更为确然。因为彼时，在君主制条件下，反国家主义的自由派-自由意志主义社会革命的拥护者仍然有一个已经失落的选项。旧时代的自由派-自由意志主义者可以——也常常的确——信奉这种可能性：完全转变国王的观点，从而发起一场“自上而下的革命”。这不需要大众支持——只需要开明君主（an enlightened prince）的洞察力。然而，这种自上而下的社会革命战略当前尚有可能实现，如今已不行了。如前所述，今天的政治领袖，都是靠煽动才能和习惯性不道德的昭然记录选上来的；因此，说服他们转向自由派-自由意志主义观点的机会，比说服单纯靠世袭上位的国王要小。不仅如此，而且国家的垄断保护，如今被认为是公共的而非私人的财产，政府统治也不再与特定个体绑定，而是与无数官员执行的专业功能绑定。因此，转变两三个人的战略不再有用了。如果人们转变了某些高级政府官员——比如总统、某些参议院领袖或者法官——也无关紧要，因为在民主政府的统治之内，单个的个体没有权力让政府放弃对保护的垄断。国王有这种权力，而总统没有。当然，总统可以退位，但这只会让垄断性保护被另一个人接管。他不能解除政府对保护的垄断，因为根据民主规则，“人民”，而非他们选出的代表，才被认为是政府的“所有者”。

Thus, rather than by means of a top-down reform, under the current conditions one's strategy must be one of a bottom-up revolution. At first, the realization of this insight would seem to make the task of a liberal/libertarian social revolution impossible. For does this not imply that one would have to persuade a majority of the public to vote for the abolition of democracy and an end to all taxes and legislation? And is this not sheer fantasy, given that the masses are always dull and indolent, and even more so given that democracy, as explained above, promotes moral and intellectual degeneration? How in the world can anyone expect that a majority of an increasingly degenerate people accustomed to the "right" to vote should ever voluntarily renounce the opportunity of looting other people's property? Put this way, one must admit that the

47 原注：关于这一点，参见穆瑞·N·罗斯巴德《知识分子在走向自由放任的社会变革中的角色概念》（Concepts of the Role of Intellectuals in Social Change Toward Laissez-Faire），《自由意志主义研究期刊》（Journal of Libertarian Studies）第9卷第2期（1990年）。
prospect of a social revolution must indeed be regarded as virtually nil. Rather, it is only on second thought, upon regarding secession as an integral part of any bottom-up strategy, that the task of a liberal-libertarian revolution appears less than impossible, even if it still remains a daunting one.

How does secession fit into a bottom-up strategy of social revolution? More importantly, how can a secessionist movement escape the Southern Confederacy's fate of being crushed by a tyrannical and dangerously armed central government?

In response to these questions it is first necessary to remember that neither the original American Revolution nor the American Constitution were the result of the will of the majority of the population. A third of the American colonists were actually Tories, and another third was occupied with daily routines and did not care one way or the other. No more than a third of the colonists were actually committed to and supportive of the revolution, yet they carried the day. And as far as the Constitution is concerned, the overwhelming majority of the American public was opposed to its adoption, and its ratification represented more of a coup d'etat by a tiny minority than the general will. All revolutions, whether good or bad, are started by minorities; and the secessionist route toward social revolution, which necessarily involves the breaking-away of a smaller number of people from a larger one, takes explicit cognizance of this important fact.
要回应这些疑问，首先必须记得，无论最初的美国革命还是美国宪法，都并非大多数人意志之结果。三分之一的美国殖民者实际上是托利党人，另一种三分之一忙于日常事务，对政治不闻不问。只有不到三分之一的殖民者真正支持并致力于革命，然而，他们占了上风。美国公众中压倒性的多数反对通过宪法，批准宪法更像是极少数人发动的政变，而非普遍意愿。一切革命，不管是好的还是坏的，都开始于少数；社会革命的分离主义路线，必然涉及少数人脱离更多数人，它对这一重要事实有着清晰的认知。

Second, it is necessary to recognize that the ultimate power of every government—whether of kings or caretakers—rests solely on opinion and not on physical force. The agents of government are never more than a small proportion of the total population under their control. This implies that no government can possibly enforce its will upon the entire population unless it finds widespread support and voluntary cooperation within the nongovernmental public. It implies likewise that every government can be brought down by a mere change in public opinion, i.e., by the withdrawal of the public's consent and cooperation.\[29\] And while it is undeniably true that after more than two centuries of democracy the American public has become so degenerate, morally and intellectually, that any such withdrawal must be considered impossible on a nationwide scale, it would not seem insurmountably difficult to win a secessionist-minded majority in sufficiently small districts or regions of the country. In fact, given an energetic minority of intellectual elites inspired by the vision of a free society in which law and order is provided by competitive insurers, and given furthermore that—certainly in the U.S., which owes its very existence to a secessionist act—secession is still held to be legitimate and in accordance with the "original" democratic ideal of self-determination (rather than majority rule), by a substantial number of people, there seems to be nothing unrealistic about assuming that such secessionist majorities exist or can be created at hundreds of locations all over the country. In fact, under the rather realistic assumption that the U.S. central government as well as the social-democratic states of the West in general are bound for economic bankruptcy (much like the socialist peoples' democracies of the East collapsed economically some ten years ago), present tendencies toward political disintegration will likely be strengthened in the future. Accordingly, the number of potential secessionist regions will continue to rise, even beyond its current level.

其次，认识到一切政府的终极权力——无论是国王还是看管者——完全依赖于舆论而非武装力量。政府代理人在其控制的总人口中从来都只占很小的比例。这意味着，除非在非政府公众中获得广泛支持和自愿合作，否则没有任何政府能够将其意志强加给所有人。这同样意味着，每个政府都能被纯粹的

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*托利党人（Tories）是指英国本土那些支持世袭王权、不愿去除国王的人。后来演变为英国保守党。*
公共舆论变革——即公众撤回对政府的同意和与政府的合作——推倒。虽然不可否认，经历了二百多年民主制之后，美国公众的道德与智识退化得如此严重，以至于任何类似撤回，都必须被认为在国家范围的规模上是不可能的，但是，在这个国家某些足够小地区或区域内赢得分离主义思想的多数，并非不可逾越的困难。事实上，既然动力十足的少数智识精英，已经受由竞争性保险公司提供法律与秩序的自由社会前景之鼓舞，此外，既然在美国分离主义仍然具有合法性（legitimate）——美国的存在正是要归功于分离主义行动，而且根据很多人持有的“原初”的民主的自治观（而非法多统治），

假定在全国数百个地方存在分离主义的多数，或者这种多数能被创造出来，看上去也没有那么不现实。事实上，基于相当现实的假设——美国中央政府，以及西部社会民主主义州大体都会受累于经济破产（非常类似于十来年前东方的社会主义人民民主国家的经济崩溃），当前的政治解体趋势在未来很可能被强化。因此，大量潜在的分离主义区域会持续出现，甚至超过其现有水平。

Finally, the insight into the widespread and growing secessionist potential also permits an answer to the last question regarding the dangers of a central government crackdown.

最终，对广为传播和发展的分离主义潜力之洞察，也对最后一个疑问——中央政府镇压的危险——提供了答案。

While it is important in this regard that the memory of the secessionist past of the U.S. be kept alive, it is even more important for the success of a liberal-libertarian revolution to avoid the mistakes of the second failed attempt at secession. Fortunately, the issue of slavery, which complicated and obscured the situation in


而想建立一个独立的国家或希望属于一片国土或几片相联的国土——暴君必有自愿服从他的随从，正是后者使他得以统治他人。至于他能否长久维系他的统治，则取决于其支持者和被他镇压者在人数上的比例关系。尽管某一暴君借助少数武装力量可维持对无援多数人的暂时统治，但从长远观之，少数人不可能保持对多数人的压迫。

50 原注：关于“古老的”自由主义民主观，见米塞斯《古典传统中的自由主义（Liberalism: In the Classical Tradition）》（Irvington-on-Hudson, N.Y.: Foundation for Economic Education, 1985）。米塞斯写道：

所以，在属于哪个国家这个问题上，自决权便意味着，假如一方领土——不管是一个村庄、一片国土或几片相联的国土——上的居民通过没有偏见的表决表明，他们不希望留在自己目前所属的那个国家联盟内，而想建立一个独立的国家或希望属于另一个国家，人们应对这种愿望加以考虑。唯如此，方能有效地阻止内战、革命和国家间的战争。 （第109页）
1861，已得到解决。然而，另一个重要教训必须通过对比两次分离主义运动来学习——第二次美国分离主义运动与第一次美国分离主义运动相比，前者较容易失败。

虽然保持鲜活的分离主义历史记忆很重要，但对自由派-自由意志主义革命成功来说，更重要的是，避免分离运动第二次失败尝试中所犯下的错误。幸运的是，1861年的情形变得复杂和模糊的奴隶制问题已经解决了。然而，通过与一胜（独立战争）一败（南北战争）两次分离主义运动的对比，人们必须吸取另一个重要教训。

The first American secession was facilitated significantly by the fact that at the center of power in Britain, public opinion concerning the secessionists was hardly unified. In fact, many prominent British figures such as Edmund Burke and Adam Smith, for instance, openly sympathized with the secessionists. Apart from purely ideological reasons, which rarely affect more than a handful of philosophical minds, this lack of a unified opposition to the American secessionists in British public opinion can be attributed to two complementary factors. On the one hand, a multitude of regional and cultural-religious affiliations as well as of personal and family ties between Britain and the American colonists existed. On the other hand, the American events were considered far from home and the potential loss of the colonies as economically insignificant. In both regards, the situation in 1861 was distinctly different. To be sure, at the center of political power, which had shifted to the northern states of the U.S. by then, opposition to the secessionist Southern Confederacy was not unified, and the Confederate cause also had supporters in the North. However, fewer cultural bonds and kinship ties existed between the American North and South than had existed between Britain and the American colonists, and the secession of the Southern Confederacy involved about half the territory and a third of the entire population of the U.S. and thus struck Northerners as close to home and as a significant economic loss. Therefore, it was comparatively easier for the northern power elite to mold a unified front of "progressive" Yankee culture versus a culturally backward and "reactionary" Dixieland.

在英国的权力中心，涉及分离主义者议题，公共舆论几乎不曾统一，这一事实明显有利于第一次美国分离主义运动。事实上，许多著名的英国大人物，像埃德蒙德·柏克（Edmund Burke）、亚当·斯密（Adam Smith），就公开同情分离主义者。除去纯粹的意识形态原因——它所影响的哲学头脑，一只手就可以数过来——英国公共舆论之所以缺乏对美国分离主义者的统一反对，可以归功于两个互补的

注：有关南部独立战争中涉及的问题的详细分析，请参见托马斯·J·迪洛伦佐（Thomas J. DiLorenzo）《伟大的集权者：亚伯拉罕·林肯与州际战争（The Great Centralizer. Abraham Lincoln and the War Between the State）》，载于《独立评论（Independent Review ）》第 3 卷第 2 期（1998 年）。
自由的扬基文化向南方拓展

美国殖民地与英格兰母国的差异迥然不同

为了争取人们支持对南方作战，北军在北军中流行的军歌中唱：“扬基佬（Yankee）”[52]文化统一战线与塑造文化落后和“反动”的迪克西兰（Dixieland）[53]文化统一战线相对容易一些。

In light of these considerations, then, it appears strategically advisable not to attempt again what in 1861 failed so painfully: for contiguous states or even the entire South trying to break away from the tyranny of Washington, D.C. Rather, a modern liberal-libertarian strategy of secession should take its cues from the European Middle Ages when, from about the twelfth until well into the seventeenth century (with the emergence of the modern central state), Europe was characterized by the existence of hundreds of free and independent cities, interspersed into a predominantly feudal social structure. By choosing this model and striving to create a U.S. punctuated by a large and increasing number of territorially disconnected free cities—a multitude of Hong Kongs, Singapore, Monacos, and Liechtensteins strewn out over the entire continent—two otherwise unattainable but central objectives can be accomplished. First, besides recognizing the fact that the liberal-libertarian potential is distributed highly unevenly across the country, such a strategy of piecemeal withdrawal renders secession less threatening politically, socially and economically. Second, by pursuing this strategy simultaneously at a great number of locations all over the country, it becomes exceedingly difficult for...
the central state to create a unified opposition in public opinion to the secessionists which would secure the level of popular support and voluntary cooperation necessary for a successful crackdown.  

那么，出于这些考虑，不要再尝试1861年如此痛苦的失败——毗邻各州甚至整个南方都试图摆脱华盛顿·D·C的暴政——在战略上似乎是明智的。相反，现代自由派-自由意志主义的分离战略，应该从欧洲中世纪寻找线索，大约从12世纪直至17世纪（随着现代中央极权国家的出现），欧洲的特点是存在数百个自由和独立的城市，散布在封建主义为主的社会结构中。通过选择这种模式，并努力创造这样一个美国——它被日益增多的领土不相连的自由城市断开，诸多类似香港、新加坡、摩纳哥、列支敦士登这样的城市散布在整个北美大陆上，这样的话，两个本来无法实现，但非常关键的目标就可以实现了。首先，除了认识到自由派-自由意志主义的潜力在各个国家的分布高度不平均这一事实之外，这种零碎撤回（withdrawal，是指某个或某群人撤回对既有政府和权力的同意和认可），使得分离主义更少危及政治、社会与经济。第二，通过在全国许多地方同时推行这一战略，中央政府想要制造大一统的，反对分离主义的公共舆论——这种大一统舆论会获得成功镇压分离主义所需的大众支持和自愿合作——会变得非常非常困难。

If and only if we succeed in this endeavor, if we then proceed to return all public property into appropriate private hands and adopt a new "constitution" which declares all taxation and legislation henceforth unlawful, and if we then finally allow insurance agencies to do what they are destined to do, can we truly be proud again and will America be justified in claiming to provide an example to the rest of the world.

...
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