

WHY POLITICAL POWER CANNOT BE LIMITED

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Can power be limited? Answering this question is too big a task to be attempted in an essay of this brevity. This problem, as Murray Rothbard reminds us, in “The Anatomy of the State”, “is evidently as far from solution as ever”. I do not feel intellectually arrogant enough to posit an answer to this question or even to say whether it can be answered. Instead, I shall concentrate on the *possibilities* of power’s limitation. I shall consider, in view of the nature of power, the likelihood of limiting it, using the evidence presented by both history and reason. I will examine the particular characteristics of power and how this affects the extent of its influence, and I will address certain intellectual problems which have resulted in misconceptions of power which have fuelled demands from rulers and ruled for the extension of power’s scope.

POWER AND AUTHORITY

But what do we mean by ‘power’? For the purposes of this exercise ‘power’ refers to ‘government’ or ‘state’. ‘Power’ is the essential nature of the state. ‘Power’ is at root violence. ‘Power’ is commonly confused with ‘authority’, and while it is true that power

does have authority it is not true that all authority has power. ‘Power’ is something which manages to influence behaviour in a strictly coercive way, that is by threat of violence. An authority, on the other hand, can influence behaviour in a way which is voluntary. My university, for example, demands certain standards of conduct and behaviour which I adhere to. I do this because the university has authority. But it has no power. I abide by the rules not because of any threat of violence if I do not act in the manner it demands. Instead, I do so because that standard of conduct is required of me as a member of the university, and it is binding as long as I wish to remain a member. As I have chosen to be a member of the university, the moment I refuse to submit to the authority of the university I have chosen to surrender my membership. I am free to leave. The freedom to escape certain standards of conduct and demands is what distinguishes authority from power. A demand made under violence cannot be submitted to voluntarily because the victim of power is not free to dispense with the services of his aggressor.

VIOLENCE AND POLITICAL POWER

The use of violence is the characteristic feature of power. Violence is the essence of both state and criminal activity. State power differs from other forms of power in form. The state is a heightened and intensified form of power which maintains a monopoly of certain types of violence over a given area. It also differs in the way it is perceived. People generally consider the actions of their aggressors to be illegitimate; the thief is not thought to have a legitimate claim to the goods of his victim.

However, the state is perceived to be legitimate even though it conducts its business according to the same principle as the thief; the state’s forceable appropriation of resources and goods is called taxation rather than theft.

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THE CONCEPT OF THE LIMITED STATE

Violence, then, is the principle on which power is based, and power is the essence of the state. This has very important implications for the possibility of limiting power which I shall return to later. But first we need some kind of definition of 'limited power'.

A limited power is one whose influence and control is limited to a few specified areas. The concept of a limited power is most often articulated in the Classical Liberal notion that there is a proper and necessary sphere of government. (Most writers who hold that state power is, for the most part, a bad thing, support this view; most of the writers cited in this essay can thus be described as classical liberals.) The underlying assumption here is that a degree of violence and coercion is necessary in society to provide 'public goods' like law and order and defence. These goods display the property of non-excludability which renders effective pricing of them impossible. Therefore they cannot be provided voluntarily and, because they are necessary, all must be forced to pay for them through taxation. This, so the argument goes, is the *legitimate* area of state activity. The image applied to the state is that of referee: the state should impartially dispense the rules of the game because the various players have an individual interest in rules which favour them, but the players overall have an interest in impartial rules, or as Michael Oakeshott says:

The image of the ruler is the umpire whose business is to administer the rules of the game, or the chairman who governs according to known rules but does not himself participate in it.

(Michael Oakeshott, "On Being Conservative"
from *Rationalism in Politics*, p. 189)

THE "UMPIRE" IMAGE: DEMOCRACY AND THE NATURE OF POWER

Whether power can be limited to these apparently harmless functions, and dispense them in the impartial way suggested by Oakeshott, ultimately depends on the nature of power; is the "umpire" a fitting image?

The assumption that the image is appropriate has greatly aided the growth of power. Two factors are responsible for this; a misconception of the nature of power and its capabilities, both by those exercising power and by those under its sway, and direct material interests of groups in society in the continued existence and expansion of power. Both factors are related, and the latter, at least, can be related back to the fundamentally violent nature of power. The effect of these factors can be illustrated with reference to two strategies which are commonly thought to limit power, but have rather greatly widened its scope: democracy and a constitutionally defined sphere of state activity.

Power is a predatory phenomenon by its nature, and as Murray N. Rothbard points out (in "The Anatomy of

the State") the common man sees the state as something external and alien to him. Thus he may well wish to limit the influence of power. What better way to limit its encroachments than by having a direct say in its affairs? It is assumed that in a democracy the people, because they are the victims of power, will make power less rather than more oppressive. After all, who would wish to oppress himself? But this has not been the case. Bertrand de Jouvenel observes that the modern European democracies have more extensive means of oppression than any absolute monarchy ever had. He also points to the militarisation of British and American society in World War II to demonstrate the coercive potential of the modern democracy:

... the unparalleled scale on which men and materials have been thrown in. Not only have armies been raised to the number of ten, of fifteen, of twenty millions of men, but also behind the lines, whole populations have been conscribed that these armies might not lack the latest and deadliest weapons. Every inhabitant of a country with breath in him has served war's turn, and at all only so far as they have.

(Bertrand de Jouvenel, *On Power*, p. 1)

Why has this been so? The cause lies in a misunderstanding of power and direct material interests in power. The first can be explained in terms of ideology; the people's conception of power and how it relates to them changes under democracy. The people feel less and less that power is something to be resisted. They feel that they have a direct interest in it and this feeling binds them to the state. This is in marked contrast to the situation under absolute monarchy where power is identified with one man and it is assumed he exercises power for his own good. De Jouvenel remarks:

Under the ancien regime, society's moving spirits, who had, as they knew, no chance of a share of power, were quick to denounce its encroachment. Now, on the other hand, when everyone is potentially a minister, no-one is concerned to cut down an office to which he aspires one day, or to put sand in a machine which he means to use himself when his turn comes. Hence it is true that there is in the political circles of a modern society a wide complicity in the extension of power. (ibid p. 10)

Power is not a neutral phenomenon; it is involved in the 'game' and has just as much interest in changing the rules to suit his own advantage as any other player. Whether that power is exercised by absolute monarch or popular sway makes little difference. In fact, power tends to be more extensive where the people rule, due to ideology and the very nature of power itself.

Power is a means of achieving something, and those who have power tend to like more rather than less of it. If we aggregate the desire for power of a whole

people we are likely to see power expand. This occurs because power rests on violence. Violence is both a way of acting and a means to an end. Power tends to conduct itself in a certain way and for certain reasons which impinge greatly on the extent to which we should reasonably expect the state to limit itself. Firstly, violence is a way of confronting and addressing the fundamental problems of human existence: how to secure and process resources necessary for physical survival and comfort (the best account of the economic problem is given by Ayn Rand in her novel *The Fountainhead*, pp. 664-671). There are two ways of going about this: violent appropriation of resources and products of labour or production and voluntary exchange of resources and products. These constitute the two principles on which a social order can be based. They have been called the ‘hegemonic principle’ and the ‘market principle’ by Murray N. Rothbard (see *Power and Market*, pp. 262-266). An account of these two principles as means to ends and ways of acting is provided in *Man, Economy and State*, pp. 67-71), the ‘militant’ and ‘industrial’ by Herbert Spencer (see “The New Toryism” in *The Man Versus The State*, p. 2). Spencer also uses the terms ‘regime of status’ and ‘regime of contract’ in “The Coming Slavery” from the same collection of essays), and the ‘political means’ and the ‘economic means’ by the sociologist Franz Oppenheimer (*The State*, pp. 24-27). The choice between these two principles is necessitated as soon as it becomes necessary for an individual to cooperate with another individual or group of individuals: once ‘Cru-soe Economics’ comes to an end with the introduction of another individual (see *Man, Economy and State*, chapter 1, pp. 1-66) and man makes the transition to social life. So, if the nature of the social order, with a view to addressing the fundamental problems of human existence (economics) is the ‘game’, and power and violence is a way of achieving the ends of the ‘game’, how can we call power and the state neutral phenomena and expect them to remain detached and impartial? They are involved in the game itself.

THE DEFICIENCIES OF POLITICAL POWER

As a consequence of this there exist individuals and groups in society with a vested interest in the existence of power and its extension; power is not exercised neutrally for the benefit of the people but for the good of rulers and groups whose patronage is required by rulers. This is the case whether or not there is an element of popular control. In fact, due to the ideological identification of the people with power in a democracy, and the proliferation of interest groups attendant on the requirement that representatives please groups who patronise them with votes, the effect of this is accentuated. This view of political dynamics forms the major element in ‘public choice’ or ‘economics of politics’ theory (see James Buchanan et al, *The Economics of Politics*). Herbert Spencer, attempting to ac-

count for the proliferation of legislation in the latter part of the nineteenth century, identifies the cause of extended state power in a mixture of ignorance and self-interest. The people may have very real problems, but they unwittingly identify their solution in an extension of power; politicians are in a very good position to exploit this and pander to popular misconceptions, and therefore misplaced “hopes (are) ministered to by candidates for public choice to augment their chances of success” (Herbert Spencer, “The Coming Slavery”, from *The Man Versus The State*, p. 40). Such a situation exists wherever power is exercised, but one which is much more intense in a democracy. Therefore we cannot think of democracy as an adequate limitation of power.

THE LIMITS OF CONSTITUTIONALISM

What of the other cited limitation of power, the constitutionally defined sphere of state action? Constitutions have faced several problems, the most significant of which is the difficulty in arriving at consistent and immutable definitions of legitimate state action. Appeals to concepts like ‘rights’ and ‘liberty’ are notoriously subject to interpretation, and these interpretations can be used to disguise an expansion of power. As Rothbard points out:

... more specific doctrines: the “natural rights” of the individual enshrined in John Locke and the Bill of Rights, became a statist “right to a job”; utilitarianism turned from arguments for liberty to arguments against resisting the State’s invasions of liberty, etc. (“The Anatomy of the State”)

Once again this involves a mixture of self-interest and ignorance on behalf of both the rulers and the ruled: rulers have an interest in perverting definitions and concepts for their own benefit, and the people lack the ability to combat these ideas and misunderstand their consequences. These factors all inhibit the extent to which we should expect the people to guard against the encroachments of power. Should we expect power itself to define and limit itself?

The fundamental problem with limiting power through constitutions is that the people must be aware of the limits placed on power and have some kind of active hostility to it. As I hope I have made clear, this is perhaps too much to expect given the essential nature of power and the interests vested in it. People tend to think that the nature of power is different now from what it was, say, under the rule of the pharaohs. They think that the modern welfare state does not in the end restrict our liberties, but is something which is liberating and benevolent. The dominant belief is that the fundamental nature of power has changed; power is no longer oppressive. As Herbert Spencer reminds us in *The Coming Slavery*, people do not classify things, least of all political ideas and actions, according to their essential characteristics; to say today that

we might be closer to slavery than we once were is ludicrous to most people. They do not perceive that the essential issue is the extent to which our lives are interfered with.

Thus the tendency is towards an insidious and unnoticed extension of power's scope. There is very rarely a sudden 'militarisation' of society (although these have occurred), instead there is a slow build-up of isolated pieces of legislation which are not thought of as assaults on individual liberty, although that is what they amount to in the long run. In addition, each piece of legislation bolsters the tacit assumption that the state has a duty to act in the way it does; people get used to it and fail to resist it. Herbert Spencer (ibid, p. 40) suggests that once there is an ever increasing quantity in pieces of legislation, which in isolation are not perceived to be fundamentally infringements of individual liberty, the public fails to resist them and demands intervention in some other place; legislation sets the precedent for more legislation. Individually, individual pieces of legislation do not radically alter the nature of the social order, but the accelerating and unchecked level of legislation will turn society in a 'regime of status'. This whole accelerating affect of legislation is described by Spencer as an unrecognised "political momentum" (ibid, p. 40), which is exacerbated by problems caused by legislation itself which power takes upon itself to solve with yet more legislation. Thus power gradually gains a greater role in society, unperceived and unrecognised. Power's alliances with the people against authorities in society, described by de Jouvenel in *On Power* ("Power assailant of the social order", pp. 157-177), polarises society around power, and inhibits the possibility of resisting power's further expansion. (A possible reason why there is an alliance between power and the people is given in F. A. Hayek's *The Fatal Conceit*, p. 14, where he says that the practises and authorities on which men depend for their lives, like the institutions of capitalism, are hated by the people.) The "Slavery" which Spencer said was coming comes slowly and sleathily.

CONCLUSION: AN IDEOLOGICAL REVOLUTION

In this essay I hope to have demonstrated that the nature of power seriously inhibits the possibility that it can be limited. The violence on which it is based, the vested interests it creates and the misunderstandings which preclude an accurate understanding of its nature all conspire to extend power rather than limit it. So, is there any possibility that it can be limited? I am tempted to say no. However, it is possible that if both rulers and the people understand the true nature of power they can limit their expectations of it; it is feasible that there will be people with power who will limit the scope of their actions because they understand what it is and what unlimited power will lead to. Also it is quite reasonable to expect a people to

understand this and to resist power's encroachments. This requires an ideological revolution. Ultimately the economic and social consequences of an overbearing power will limit the extent of its growth; but that will occur only when power has taken away the liberty of the people and wrecked their society. Ludwig von Mises (at the end of *Human Action*) and Murray Rothbard (concluding *Power and Market*) remind those who think that power can change the laws of economics:

... they will not annul economics; they will stamp out, society and the human race.

(*Human Action*, p. 881)

Such are the laws that praxeology presents to the human race. They are a binary set of consequences: the workings of the market principle and of the hegemonic principle. The former breeds harmony, freedom, prosperity, and order; the latter produces conflict, coercion, poverty, and chaos.

(*Power and Market*, p. 266)

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