



Lysander Spooner, Tucker & *Liberty*



By Charles Shively

Today anarchists reach back to many nineteenth century predecessors through Benjamin R. Tucker. As we carry Tucker's work forward to our time, so in his day he preserved and propagated the ideas of earlier writers — Proudhon, Warren, Andrews, Spooner and many others. This anarchist tradition (based as it often is on being against traditions) appears in the ties between Lysander Spooner and Benjamin R. Tucker.

After 1881, all of Spooner's work first appeared serially in *Liberty* before becoming books or pamphlets: *Natural Law* (1882), *A Letter to Thomas F. Bayard* (1882), and *A Letter to Grover Cleveland* (1886). While these books are relatively well known,¹ less familiar are the many editorials which Spooner wrote for *Liberty*. Some nineteen articles appeared, but only one short obituary notice of abolitionist Elizur Wright was signed "L.S."² The others appeared either without attribution or signed "O." Tucker identified these contributions in his obituary of Spooner: "I may also now reveal the fact that many of the ablest editorials in these columns were written by Lysander Spooner."³ Presumably most of these articles reflected both Tucker's and Spooner's joint opinions, since Tucker ran many of them without any identification. In the heart of the Haymarket Affair, Tucker clarified the matter by carrying the following notice: "The appearance in the

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editorial columns of articles over other signatures than the editor's initial ["T."] indicates that the editor approves their central purpose and general tenor, though he does not hold himself responsible for every phrase or word."

Several of the Spooner editorials are clearly fugitive: stinging comments on the passing foibles of authority, they nonetheless still read well. The weight (two hundred and seventy-five pounds) which "Justice Gray" brought to the Supreme Court,⁵ or the folly of "Andover Theological Seminary's" antique Calvinist doctrines are quite humorous.⁶ In "Ben Butler's Piety" Spooner mocks that corrupt governor's Fast Day Proclamation intended to encourage New England navigation.⁷ "The Problems of Law-making in Massachusetts" are revealed to be an over-eager "passion for laws."⁸ "The Death of Chinese Gordon" lambasts that ludicrous representative of British imperialism long before Lytton Strachey.⁹

In three important areas, Spooner's editorials raised questions still sharply debated by anarchists. They deserve further study: (1) political assassination (in this case Charles Guiteau and President Garfield), (2) Haymarket and the use of dynamite against power, and (3) the Woman Question.

Doubtless Benjamin Tucker turned to Lysander Spooner because of the many complex legal issues that emerged in the question of Guiteau's sanity. As a lawyer and author of *Illegality of the Trial of John W. Webster* (1850) and *Trial by Jury* (1852), Spooner was well prepared to comment on Guiteau's trial, perhaps the most famous in the nineteenth century United States.¹⁰ Spooner ridiculed the experts who "testified" to Guiteau's sanity or insanity. Only a jury could decide that question, and they must do so using only common sense and common language. If trials were to be turned over to "experts" then everyone's life would be endangered. The government would only have to hire "experts" whom they alone would certify. The question Spooner put was simple: "Are we to hang a man simply because a certain number of superintendents of lunatic asylums believe him sane?"

If their testimony was honest, their so-called "asylums" were indeed bad places. The psychiatrists based their judgments on observations after (not before) Guiteau shot Garfield. "This kind of reasoning implies that they hold that if a man was insane in July, he would undoubtedly have continued to be insane until January; or, that what is substantially the same thing, *that if a man is once*

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insane, he will always remain so. Now, this, we think, is very likely to be the rule in the asylums under their own control; that they seldom or ever cure anybody that comes under their care. And we ought to be thankful for this information; for it enables us to know where *not* to send our insane friends, if we wish to have them cured."¹¹

Spooner used only common sense to prove that Guiteau was insane: "Could anyone more effectually prove himself a fool than by committing a homicide in the expectation that the government would reward him for it by giving him an office?"¹² Although Spooner treaded lightly over the issue, he made his opinion clear that it was not irrational to kill a president. He had already argued in **No Treason** that governments are "great bands of robbers and murderers." Obviously there could be justice in killing the head of such a pack of knaves. "We know that the successful [office seekers] will murder mankind by the wholesale, to maintain their power; and we know that the unsuccessful ones would do the same, if they could but get into power. But if, not getting into power, they feel indignant, and now and then kill a man, that is a small matter, compared with what they would have done, if they had been successful in their ambitions."¹³ Basically Spooner argued that Guiteau was insane because he identified himself with the government and thought "robbers" would reward him for killing a king of thieves.

Charles Guiteau was not a liberty fighter but only a pathetic failure — his hopes were on foreign service, ambassador to Chile, then to Austria, and finally consul to Paris. Guiteau was a rebel who identified too totally with the existing powers. He had written, "In the President's madness he has wrecked the once grand old Republican party; and for this he dies . . . I shot the President as I would a rebel, if I saw him pulling down the American flag. I leave my justification to God and the American people."¹⁴ Spooner could only conclude that "the State which assumes the right to take *his* life is no less a murderer than he, — yea, more so, — since the State cannot put forward the plea of insanity."¹⁵

But where did insanity arise - either in Guiteau or in the state? While Spooner's answer here is somewhat circumstantial, I think it is clear; religion. Both sides were thinking theologically. The state ultimately blamed "Devilish Depravity." Guiteau on the other hand declared that "God" had commanded and guided him. Guiteau's

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life was a record of religious obedience and backdoor disobedience. He had followed his father's perfectionism and stayed for a time at John Humphrey Noyes' Oneida; their authoritarianism repelled him, and he left. Guiteau's disappointed father wrote in 1875, "To my mind he is a fit subject for a lunatic asylum . . . His condition in my judgment has been caused by an *unsubdued will*, the very spirit of disobedience to authority . . . disobedience to God and the spirit of truth, which culminated with a quarrel with Mr. Noyes and the O[neida] C[ommunity] ."¹⁶

Guiteau's life and death deserve careful study by all anarchists. As Spooner implies, his grand failure was not in whatever of his will remained unsubdued but in those parts which were subdued, within the system. Strung between liberty and authority, Guiteau snapped somewhere in the middle. Today the experts have found a new label for this condition, schizophrenia.

For the Boston Anarchists such as Benjamin Tucker, Gertrude B. Kelly, and Lysander Spooner, the Haymarket Affair, trial and martyrdom forced them to scrutinize their consciences and ideologies. An anonymous editorialist "X" simply denounced their compatriots: "The Boston Anarchists are individualists; the Chicago mobbists are communists. The methods of the Boston Anarchists are logically those of peace, education, and evolution. The methods of the Most school are logically those of pillage, brute force, and violence . . ." Gertrude B. Kelly took a line closer to Spooner's: "The uprisings in Chicago, in Milwaukee, in St. Louis, in San Francisco, in New York, in London, in Brussels, in Decazeville, are as much the result of the capitalistic system of today, as was the French Revolution the result of the feudal system." Tucker himself equivocated somewhat: "They are of the noble few who, however mistaken as to the way of obtaining it, desire universal human comfort and for it are willing to cast their lives into the balance; we will snatch them, therefore, from the jaws of the wild beast, if we consistently can. To that end everything shall be done, short of treason to our cause. But there we stop."¹⁷

Spoooner defined his position in three editorials: "Coming to its Senses";¹⁸ "Confession of an Atrocious Crime Against the Anarchists Tried in Chicago";¹⁹ and "Chicago Anarchists."²⁰ Spooner attempted to define the common tenets which united the Boston and Chicago anarchists: "We do not know of an Anarchist — we doubt if there be one — in this or any other country — who asks

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for anything more than the repeal of *all 'bad laws'.*"²¹ The latter phrase was taken from the New York **Herald**, which elsewhere declared that "Anarchism is a venomous and slimy reptile, and only an iron heel should deal with it." Spooner, who had supported John Brown, even to the point of gathering money and making plans to kidnap the governor of Virginia as ransom for Brown's release, did not join the police, prosecutors and newspapers in condemning the Haymarket bombing. While he might question how authentic their anarchism might be, he never condemned their resistance to unjust authority.

Most of Spooner's commentary demonstrated the injustices of the Chicago police and the Illinois courts. Particularly perceptive, Spooner hit upon secret police activities as a key to the modern police state. Captain Michael Schaack provided "an explicit confession that these seven men were condemned to death upon evidence that was kept secret from both themselves and the public, and finally sprung upon them at the trial, when no opportunity was given them to meet it; but that they would have been acquitted 'a thousand times' over, if they had known of this evidence, and been permitted to contradict or explain it." Captain Schaack promised to "have all the Anarchists in jail, hanged, or driven out of the city."²² What Spooner could not then have known, was that Captain Schaack himself was organizing fake anarchists societies in order "to keep the thing boiling, keep himself prominent before the public."²³

Certainly the lesson of Haymarket should be clear today: Questions about anarchism must be defined not by the state police and prosecutors — nor even by historians — but by anarchists themselves. Spooner's strategy had been to find what he shared with the Chicago anarchists, to see if he could help save them from their totally unjust fate. In this he and Tucker were united. They, of course, could not accept the prevailing opinion that because two groups of people were called anarchist, they necessarily all shared the same ideas. Quite the contrary, a favorite axiom of Josiah Warren's had always been that no two people ever have exactly the same experiences nor exactly the same ideas.

Anarchists continue to face contradictions between feminist demands for equality and the anarchist struggle to abolish the state. In his discussion of what was then called "The Woman Question," Lysander Spooner made some timely points.²⁴ Whether

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for good or ill purposes, all laws, Spooner argued would inevitably end in destructive power. His vision was eloquent: "If the women, instead of petitioning to be admitted to a participation in the power of *making more laws*, will but give notice to the present lawmakers that they (the women) are going up to the State House, and are going to throw all the existing statute books in the fire, they will do a very sensible thing . . . And they will have a crowd of men . . . to go with them."

In **Feminism and Suffrage** (1978), Ellen Carol Du Bois argues that the demand for the vote was actually a veiled demand "because it exposed and challenged the assumption of male authority over women. To women fighting to extend their sphere beyond its traditional domestic limitations, political rights involved a radical change in women's status, their emergence into public life."²⁵ Spooner would challenge such a strategy by arguing that "public life" was essentially a synonym for "tyranny and robbery and crime" for which a whole class (called politicians) "are devoured by ambition, by the love of power, and the love of fame." Essentially many women have been (not entirely unlike Guitau) caught on the horns of this dilemma: does moving into public life mean becoming tyrannical and oppressive? Some equivocate, understanding both sides — the horror of powerlessness, the grimness of powers. Others simply sell out and take their place among the powerful, claiming perhaps that they make good "role models." In a sense, anarchism provides the only true answer to oppressed, powerless people: political and social power must be abolished, not seized. In a perfect anarchist reply, Sarah Grimke answered the question, "What do women want?" by saying: "All I ask of our brethren is, that they will take their feet from off our necks and permit us to stand upright. . .,"²⁶

As a practicing feminist Spooner cannot be faulted. Living as a bachelor on the back side of Boston's Beacon Hill, a neighborhood, then as now, mixed: black, white; gay, straight; single, married. While he was doubtless predominantly asexual in his habits, Spooner knew how to take care of himself, and never had a wife to slavishly tend to his every need — as women were expected to do at the time. And he did approach woman as equals, with whom he could discuss important questions and from whom he could learn. Benjamin R. Tucker remarked on how carefully Spooner followed the writings and speeches of Gertrude B. Kelly. She in turn re-

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sponded enthusiastically to his work: "Of the torch-bearers of liberty and justice in this country, none is greater or more worthy of support than Lysander Spooner."²⁷

The closest Spooner came to facing the sexual question may have been in his essay against the government's anti-polygamy campaign: "War Upon Superstitious Women."²⁸ Here his aim is good, but his argument dubious. Spooner suggests that women are naturally "more credulous and superstitious" than men who are more rational. Women on the other hand are more moral and "sincere" and men are more naughty. "It is utterly contrary to the nature of women to suppose that . . . any woman would, from sensual and vicious motives, consent to become one of the ten or twenty wives of one man . . . However the sincerity and morality of the polygamous men may have been doubted, nobody, so far as we know, has ever doubted the sincerity and chastity of the Mormon women. Nothing, therefore, but religious superstition can account for their being willing to enter into polygamous marriages."

Victor Yarros pointed out that Spooner's natural law arguments were themselves superstition and "won't hold water."²⁹ Yet Yarros himself in another context demonstrated how men mystify their unjust powers: he claimed that "nature is . . . bent upon preserving the dependency of both mother and child upon the father."³⁰ Such has been the argument of kings, priests and presidents. Their offices, they say, have been sanctioned by "nature," not by their own greed and rapacity.

Neither Tucker nor Spooner seem to have fully appreciated the contributions of Free Love advocates such as Stephen Pearl Andrews or Ezra Heywood to anarchist thought. Essentially there were only two kinds of love — enslaved and free, and persons living either as master or slave in a relationship not defined by themselves could never be free. Thus Guiteau might struggle to rebel, but his relationship to his wife was but a model of Garfield's relationship to the people: "Though he would sometimes be affectionate, at other times and almost without provocation, she recalled, he would strike her, pull her around the room by the hair, and kick her. Often he would beat her and sometimes lock his unfortunate wife in a closet for hours — and on a few occasions all night."³¹ Many today would argue that political power, religious superstition and willingness to obey destructive authorities come more from sexual repression than anything else. Thus the demand for "free love"

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opens all the gates of revolution. Without opening this gate, none of the others will work.

Benjamin Tucker and Boston Anarchism concluded Lysander Spooner's life (but not his ideas) with a useful demonstration of how we should bury the dead. Funerals, memorials and the memory of the dead (once called the "silent majority") have been the materials out of which authorities would keep people enslaved. Benjamin Tucker not only helped Spooner (with his failing body) die as gracefully as possible but he also arranged the funeral, burial and memorial services so that they would not disgrace all that Spooner had struggled to achieve in his life. Tucker saw that the dead must serve as our liberators — not as idols. Tombs can never be sacred for anarchists: leave them to Lenin, Marx, Grant, Westminster, Jerusalem, Mecca — does the list not itself suggest a conspiracy to combat living freedom?

The memorial service included readings from letters of Gertrude B. Kelly from New York City (a funeral trip to Boston, she wrote would be ill spent money; better use the funds for publication) and Victory Drury in Minneapolis. Associates and friends — Theodore D. Weld, Henry Appleton, M.M.L. Babcock, John Orvis and E.B. McKenzie all gave prepared speeches. "At the door of the hall, upon a table attended by Josephine S. Tilton, copies of nearly all the pamphlets ever written by Mr. Spooner were exhibited for sale." Benjamin Tucker presented resolutions which concluded "that the best service that we can do his memory is to take up his work where he was forced to drop it, carry it on with all that we can summon of his energy and indomitable will, and as old age creeps upon us, not lay the harness off, but following his example and Emerson's advice, 'obey the voice at eve obeyed at prime'."¹²

The strength of *Liberty* was its willingness to recognize and admit wide diversities — not trying for ideological pUurity. Abjuring one-way thought, exploring, remaining open, both Lysander Spooner and Benjamin Tucker recognized that they had and would make mistakes. Their hope was that their readers learned by thinking themselves, not through accepting anything they said out of authority or of age or even of someone else's experience. As long as that openness remains, there will be some part of *Liberty* alive for us all.

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Footnotes

1. Charles Shively, "Introduction and Biography," The Collected **Works of Lysander Spooner**, 6 vols. (Weston, Mass.: M & S Press, 1971). This work reprints thirty-four of Spooner's books, pamphlets and broadsides. Carl Watner has also reprinted Spooner's *Vices Are Not Crimes* along with an index to the **Collected Works** (Baltimore, Md: 1979).
2. Benjamin R. Tucker, "Our Nestor Taken From Us," **Liberty** 100(1887):5.
3. Lysander Spooner, **Liberty** 70(1885):4.
4. Tucker, **Liberty** 87(1886):4.
5. Spooner, **Liberty** 12(1882):2.
6. Spooner, **Liberty** 20(1882):2.
7. Spooner, **Liberty** 34(1883):3.
8. Spooner, **Liberty** 40(1883):3.
9. Spooner, **Liberty** 59(1885):4.
10. Spooner contributed the following articles to **Liberty** on Guiteau: "Distressing Problems," 7(1881):3; "Guiteau's 'Malice'," 10(1881):2; "Guiteau's 'Devilish Depravity'," 11(1881):2; "Guiteau's Wit" 11(1881):3; "The Guiteau Experts [I]," 12(1882):2; "Guiteau the Fraud-Spoiler," 13(1882):2; "The Guiteau Experts [II]," 19(1882):3; and "The Forms of Law," 24(1882):3. An article signed "Crankus" and entitled "The Two Guiteaus," 15(1882):4, possibly may be by Spooner.
11. Spooner, **Liberty** 12(1882):2.
12. Spooner, **Liberty** 7(1881):3.
13. Spooner, **Liberty** 10(1881):2.
14. Charles E. Rosenberg, **The Trial of the Assassin Guiteau** (Chicago, Ill.: 1968), p. 41. Rosenberg ignores anarchists.
15. Spooner, **Liberty** 13(1882):2-3.
16. Rosenberg, **The Trial of the Assassin Guiteau**, p. 31.
17. Tucker, **Liberty** 81(1886):4.
18. Spooner, *Ibid.*, p. 5.
19. Spooner, **Liberty** 87(1886):4-5.
20. Spooner, **Liberty** 90(1886):5.
21. Spooner, **Liberty** 81(1886):5.
22. Spooner, **Liberty** 87(1886):5.
23. Henry David, *The History of the Haymarket Affair* (New York: Russell and Russel Publishing, 1958), p. 224; quotation from **Chicago Daily News**, May 10, 1889.
24. Calling Spooner's "Against Woman Suffrage" a masterly argument," Tucker reprinted the article from J.M.L. Babcock's **New Age**, February 24, 1877 in **Liberty** 22(1882):4.
25. Ellen Carol DuBois, **Feminism and Suffrage: The Emergence of an Independent Women's Movement in America, 1848-1869** (Ithaca, N.Y.: Cornell, 1978), p. 46.
26. Sarah Grimke, **Letters on the Equality of the Sexes and the Condition of Woman** (Boston: 1837).
27. Gertrude B. Kelly, **Liberty** 101(1887):8.
28. Spooner, **Liberty** 24(1882):2.
29. Victor Yarrow, **Liberty** 101(1887):1.
30. Yarros, **Liberty** 10(1887):1. Margaret S. Marsh, **Anarchist Women, 1870-1920** (Philadelphia, Pa.: Temple, 1981), p. 54.
31. Rosenberg, **The Trial of the Assassin Guiteau**, p. 28. For more on the free-love question, see Taylor Stoehr, **Free Love in America: A Documentary History** (New York: Ams Press, 1979) and Charles Shively, "Introduction," in Stephen Pearl Andrews, **Love, Marriage and Divorce** (Weston, Mass.: M & S Press, 1975).



Engraving of Benjamin R. Tucker