

**Murray N. Rothbard's Copperhead Abolitionism: An Inquiry into  
Libertarian Ethics**

**Myles Kantor**

**[MBKantor@aol.com](mailto:MBKantor@aol.com)**

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**Comments Welcome**

Murray N. Rothbard did not endorse Abraham Lincoln's military restoration of the American union, describing it as a "monstrous war of plunder and mass murder." He looked forward to the day when "aided and abetted by Northerners like myself in the glorious 'copperhead' tradition, the South shall rise again." In addition, Rothbard condemned American slavery as a "monstrous injustice" of "inherent brutality and savagery" and praised its most ardent opponents. Are these not dissonant positions? On the contrary, Rothbard's Copperhead abolitionism exemplifies the ethics of liberty he delineated so prolifically. A worldview of freedom entails condemnation of Lincoln's conquest of the Confederacy and the captivity of blacks in America until 1865.

**A Libertarian Perspective on Abraham Lincoln**

Abraham Lincoln is venerated as a champion of American freedom if not its greatest champion, bestowed with a monument in the nation's capital. Whereas George Washington led America's independence (i.e., secession) from England, this assessment goes, Lincoln saved America from obliteration, purged America of its original sin of

slavery, and effected a new birth of freedom. Lincoln scholarship brings to mind James Baldwin's reference to "the continued sanctification of a certain history."<sup>1</sup>

At first glance, Lincoln indeed seems congruent with classical liberal values. Consider statements such as:

- "As I would not be a slave, so I would not be a master. This expresses my idea of democracy."
- "If slavery is not wrong, nothing is wrong."
- "I hate it [slavery] because it deprives the republican example of its just influence in the world—enables the enemies of free institutions, with plausibility, to taunt us as hypocrites—causes the real friends of freedom to doubt our sincerity."<sup>2</sup>

Lincoln's policies clashed with his professions, however. From massive corporate welfare and conscription to the suspension of habeas corpus and censorship, the Lincoln Administration was inimical to liberal values in a variety of areas.<sup>3</sup> Lincoln's greatest hostility to freedom is found in his conflation of secession with anarchy<sup>4</sup> and the calamitous war he prosecuted pursuant to that conflation—a course of action, one might add, that would have occurred had Northern states seceded to free themselves from the draconian Fugitive Slave Act.<sup>5</sup>

### **A Libertarian Perspective on the Confederacy**

The Negro has even lost ownership of his person, and he cannot dispose of his own existence without committing a sort of larceny.

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<sup>1</sup> See, for instance, Harry Jaffa's *A New Birth of Freedom: Abraham Lincoln and the Coming of the Civil War* (Washington, D.C.: Roman and Littlefield, 2000). The Baldwin quotation appears in James Baldwin, *Collected Essays* (New York: The Library of America, 1998), p. 568.

<sup>2</sup> Quoted in Jess Brallier and Sally Chabert, *Presidential Wit and Wisdom: Maxims, Mottoes, Sound Bites, Speeches, and Asides* (New York: Penguin, 2000), pp. 80-81, 85.

<sup>3</sup> See Thomas DiLorenzo, *The Real Lincoln: A New Look at Abraham Lincoln, His Agenda, and an Unnecessary War* (Prima, 2002) and Jeffrey Rogers Hummel, *Emancipating Slaves, Enslaving Free Men: A History of the American Civil War* (Chicago, Ill.: 1996), pp. 221-235 and 251-259.

<sup>4</sup> Lincoln asserted in his First Inaugural Address, "Plainly, the central idea of secession, is the essence of anarchy." Andrew Delbanco, ed., *The Portable Abraham Lincoln* (New York: Viking, 1992), p. 200.

<sup>5</sup> On the implications of Lincoln's federal supremacist dogma, see Myles Kantor, "Union and Bondage," *Mises.org*, April 12, 2001.

-Alexis de Tocqueville<sup>6</sup>

[T]he present view is “pro-Southern” and anti-nationalist but does not involve approval of all, or even very many, aspects of the historical Confederacy.

-Joseph Stromberg<sup>7</sup>

The Spring 2002 issue of the *Journal of Libertarian Studies* will contain an essay by Donald W. Livingston entitled “Is the Confederacy Morally Available to Libertarians?” In anticipation of what will likely be a seminal contribution to libertarian historiography of the Union-Confederacy War a la Joseph Stromberg’s “The War for Southern Independence: A Radical Libertarian Perspective,” I will briefly address Livingston’s question.

On the one hand, several aspects of the Confederacy accord with libertarianism. The Confederacy *qua* confederacy was a centrifugal enhancement of the federal polity established in 1787; the framers of the Confederacy reacted against the centralizing tendencies of the union in which their states participated until 1860-1861. In terms of specific policy, the Confederacy also manifests liberal values. For instance, nearly a century before the 22<sup>nd</sup> Amendment limited a president to two terms, the Confederate Constitution limited its president to a single term—a reaction against the monarchic potential of a president’s eligibility for perpetual re-election.<sup>8</sup> Laissez-faire economic values are also evident in the Confederate Constitution. The Confederate postal service

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<sup>6</sup> Alexis de Tocqueville, *Democracy in America*, trans., Harvey Mansfield, (Cambridge, Mass: Harvard University Press, 2001)

<sup>7</sup> Joseph Stromberg, “The War for Southern Independence: A Radical Libertarian Perspective,” *Journal of Libertarian Studies*, Vol. 3, No. 1 (Spring 1979).

<sup>8</sup> See Constitution of the Confederate States of America, Article II, section 1, clause 1, reprinted in Marshall L. DeRosa, *The Confederate Constitution of 1861: An Inquiry into American Constitutionalism* (Columbia: University of Missouri Press: 1991), p. 143. For discussion, see *ibid.*, pp. 87-89.

was to be self-sufficient after two years<sup>9</sup> and internal improvements were denied to the central government,<sup>10</sup> as well as protective tariffs.<sup>11</sup> Thus, it would seem the Confederacy was eminently libertarian.

Of course, the great anti-libertarian dimension to the Confederacy is slavery. As Eugene Genovese observes, “The Confederacy may have come into being as a bastion of constitutionalism, state rights, and traditional values, as its originators and many others since have claimed with considerable justification, but it also came into being as a slaveholding republic.”<sup>12</sup> Confederate statesmen did not euphemize the presence of slavery in the Confederacy or apologize for it. Assistant Secretary of War Albert Taylor Bledsoe wrote in 1860 that slavery “is founded in political justice, in accordance with the will of God and the designs of his providence, and is conducive to the highest, purest, and best interests of mankind.”<sup>13</sup> Permanent Confederate Constitution Committee member Robert H. Smith affirmed, “[W]e have called our negroes ‘slaves,’ and we have recognized and protected them as persons and our rights to them as property.”<sup>14</sup> Confederate Vice-President Alexander Stephens recalled slavery shortly after the war as “the proper subordination of the inferior African race to the superior white.”<sup>15</sup> These positions are plainly tyrannical, antithetical to the foundational libertarian values of self-ownership and non-aggression, and representative of what Mises described as “the

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<sup>9</sup> Article I, section 8, clause 7.

<sup>10</sup> Article I, section 8, clause 3.

<sup>11</sup> Article I, section 8, clause 1.

<sup>12</sup> Eugene Genovese, *A Consuming Fire: The Fall of the Confederacy in the Mind of the White Christian South* (Athens, GA: University of Georgia Press, 1998), p. 111.

<sup>13</sup> Quoted in DeRosa, *The Confederate Constitution*, p. 65.

<sup>14</sup> *Ibid.*, p. 66.

<sup>15</sup> Myrta Lockett Avary, ed., *Recollections of Alexander H. Stephens* (Baton Rouge: Louisiana State University Press, 1998), p. 173.

collectivist idea of the racial community.”<sup>16</sup> It also entailed massive welfare for slaveholders and coercion of non-slaveholders through slave patrols.<sup>17</sup> Slavery aside, the Confederacy was also statist economically and otherwise.<sup>18</sup>

Just as a vocal libertarian would have been quite dissatisfied and likely persecuted under Union governance, a vocal libertarian in the Confederacy would have also been *persona non grata*.

### Rothbard’s Copperhead Sympathies

Rothbard’s dissent from the Lincoln as National Savior camp is an early development in his thought. Born in 1926, by 1948 Rothbard manifested Copperhead sympathies

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<sup>16</sup> Ludwig von Mises, *Nation, State, and Economy*, <http://www.mises.org/nsande/ptlich1.asp>. Mises criticizes American slavery in *Human Action* (Auburn, Ala: Ludwig von Mises Institute, 1998), p. 625. On Mises on slavery in general, see *Liberalism: The Classical Tradition* (New York: The Foundation for Economic Education, Inc., 1996), pp. 20-23.

<sup>17</sup> William Marina observes:

“Slave patrols, required by law, were in a very real sense a tax on the non-slaveholder in favor of the slaveholder. Absent such governmentally mandated subsidies, the labor costs in a market-oriented society would tend toward manumission. The best evidence that such economic tendencies were operative is that laws were increasingly passed over the years to make manumission of slaves more difficult. Why would such laws have been necessary unless manumission was an option that undercut the slave system imposed by government? In any event, such massive governmental political-economic interventionism on behalf of the slave owning interest group is hardly descriptive of a *laissez faire*, small government, market-oriented society.”

*A History of Florida*, 3<sup>rd</sup> ed. (Coral Gables, FL: University of Miami Press, 1999), p. 548. Mark Thornton similarly points out:

“The political institutions of the American South were set up to socialize the costs of the system while privatizing its fruits. This was a huge public subsidy and a way of keeping the system going. Everyone was drafted into the slave patrols, and you couldn’t free your slaves; it was against the law. All of this reduces the private costs of owning slaves but increases the overall social costs.”

*The Austrian Economics Newsletter* (Auburn, Ala: The Ludwig von Mises Institute), Summer 2001. For a study of slave patrols, see Sally E. Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas* (Cambridge, Mass: Harvard University Press, 2001).

<sup>18</sup> See Emory M. Thomas, *The Confederacy as a Revolutionary Experience* (Columbia: University of South Carolina Press, 1991), pp. 58-78, Hummel, *Emancipating Slaves, Enslaving Free Men*, pp. 227-230, 235-238, 248-251, and 259-263. On how Confederate statism impeded its war effort, see Robert B. Ekelund, Jr. and Mark Thornton, “The Confederate Blockade of the South,” *The Quarterly Journal of Austrian Economics*, Vol. 4, No. 1 (Spring 2001), pp. 23-42.

when he supported Strom Thurmond's presidential candidacy with the States' Rights Party. Suffice it to say a Jewish New Yorker's endorsement of Thurmond was atypical.

During the 1950s, Rothbard wrote for the Christian-libertarian magazine *Faith and Freedom* on several topics. An article he wrote on Lincoln, however, was considered too extreme for publication.<sup>19</sup> Rothbard's repugnance to Lincoln appeared by way of analogy in a 1959 letter to William F. Buckley Jr. The subject of the letter was a planned stay by Nikita Khrushchev in the White House. Rothbard wrote, "Mr. K might be sleeping in the sainted Lincoln's bed, but this surely would be more than apt, considering that Mr. K's deeds in Hungary were precisely equivalent to Mr. Lincoln's butchery of the South."<sup>20</sup>

Rothbard wrote an article for the *Colorado Springs Gazette Telegraph* in 1967 entitled "The Principle of Secession Defended." He praises secession for promoting decentralization, which "is itself a good." More particularly:

...there is another important reason for hailing the principle of secession per se: if one part of a country is allowed to secede, and this principle is established, then a sub-part of that must be allowed to secede, and a sub-part of that, breaking the government into ever smaller and less powerful fragments...until at last the principle is established that the individual may secede—and then we will have true freedom at last.<sup>21</sup>

Rothbard concludes that "it is incumbent upon every lover of liberty to hail secession movements wherever and however they may arise" and laments "the tragedy of the Southern defeat in the Civil War, for that defeat has buried the very thought of secession

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<sup>19</sup> See Murray N. Rothbard, January 29, 1951 letter to William Johnson, the Ludwig von Mises Institute.

<sup>20</sup> Quoted in Justin Raimondo, *An Enemy of the State: The Life of Murray N. Rothbard* (Amherst, New York: Prometheus Books, 2000), p. 104.

<sup>21</sup> Rothbard, "The Principle of Secession Defended," *Colorado Springs Gazette Telegraph*, October 3, 1967.

in this country from that time forward.” However, Rothbard adds with characteristic optimism, “But might does not make right, and the cause of secession may rise again.”<sup>22</sup>

Rothbard’s defense of secession could also appear in unexpected places. There appears this affirmation in a 1969 article endorsing Norman Mailer’s mayoralty campaign in New York City: “Secession is a crucial part of the libertarian philosophy: that every state be allowed to secede from the nation, every sub-state from the state, every neighborhood from the city, and, logically, every individual or group from the neighborhood.”<sup>23</sup>

Rothbard comments on the 1861-1865 period twice in *For a New Liberty* (1973), critical of the Lincoln Administration each time:

The Civil War, in addition to its unprecedented bloodshed and devastation, was used by the triumphal and virtually one-party Republican regime to drive through its statist, formerly Whig, program: national governmental power, protective tariff, subsidies to big business, inflationary paper money, resumed control of the federal government over banking, large-scale internal improvements, high excise taxes, and, during the war, conscription and an income tax. Furthermore, the states came to lose their previous right of secession and other states’ powers as opposed to federal governmental powers.

The Civil War and its virtual one-party system led to the permanent establishment of a neomercantilist policy of Big Government and the subsidizing of various big business interests through protective tariffs, huge land grants and other subsidies to railroads, federal excise taxation, and a federally controlled banking system. It also brought the first imposition of federal conscription and an income tax, setting dangerous precedents for the future.<sup>24</sup>

At a 1981 conference discussing Frank Meyer, Rothbard praised him for seeing “clearly that the changes Lincoln wrought in American society were the decisive shift toward the centralizing and despotic nation-state.”<sup>25</sup>

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<sup>22</sup> Ibid.

<sup>23</sup> Rothbard, “Mailer for Mayor,” *The Libertarian*, May 15, 1969.

<sup>24</sup> Rothbard, *For a New Liberty: The Libertarian Manifesto* (San Francisco, CA: Fox and Wilkes, 1996), pp. 8, 278.

<sup>25</sup> Rothbard, “Frank Meyer,” in *Freedom and Virtue*, pp. 152-153.

In May 1994, Rothbard presented at the *Costs of War* conference organized by the Ludwig von Mises Institute on “America’s Two Just Wars: 1775 and 1861.” He describes Lincoln’s rejection of secession as “monstrous illogic” and compares his conquest of the Confederacy to a Cromwellian crusade:

...the New Model Army and the war effort rested on a vast and unprecedented amount of federal coercion against Northerners as well as the South; a huge army was conscripted, dissenters and advocates of a negotiated peace with the South were jailed, and the precious Anglo-Saxon right of *habeas corpus* was suspended for the duration.<sup>26</sup>

Rothbard attributed the North’s anti-secessionism to a neo-Puritan postmillennialism in pursuit of a Kingdom of God on Earth. In this vein, he referred to “the pseudo-Biblical and truly blasphemous verses of that quintessential Yankee Julia Ward Howe, in her so-called ‘Battle Hymn of the Republic.’”<sup>27</sup>

In June 1994, the League of the South was founded in Tuscaloosa, Alabama with the mission “to advance the cultural, social, economic, and political well-being and independence of the Southern people by all honorable means.” Rothbard was a charter member of the League.

### **Rothbard’s Abolitionist Sympathies**

Like his Copperhead sympathies, Rothbard’s endorsement of the abolitionists and condemnation of slavery is a consistent position in his writings.

In “Left and Right: The Prospects for Liberty” (1965), Rothbard cites the Jacksonian and abolitionist movements as “the last powerful radical libertarian movements in

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<sup>26</sup> Rothbard, “America’s Two Just Wars: 1775 and 1861,” in John V. Denson, ed., *The Costs of War: America’s Pyrrhic Victories* (New Brunswick, NJ: Transaction Publishers, 1999), pp. 131-132.

<sup>27</sup> *Ibid.*, p. 129.

American life.”<sup>28</sup> The year after in “Why Be Libertarian?” Rothbard praises William Lloyd Garrison’s “glorious standard of immediate emancipation of the slaves.” He adds in the Garrisonians’ defense, “Slavery would never have been abolished at all if the abolitionists had not raised the hue and cry thirty years earlier.” Regarding contemporaneous criticism of Garrison’s vehemence, Rothbard quotes Garrison’s retort<sup>29</sup> and concludes, “It is this spirit that must mark the man truly dedicated to the cause of liberty.”<sup>30</sup>

In “The Black Revolution,” Rothbard praises Garrison and John Brown for their understanding that “liberty is a profoundly revolutionary concept, and that it only be achieved through the liquidation of the oppressor State.”<sup>31</sup> He writes in a letter to *National Review* in 1968 regarding a dispute with James Burnham, “I can see Burnham now...helping the slave-masters of the South rounding up the slave rebels under Nat Turner.”<sup>32</sup> In *For a New Liberty*, Rothbard re-affirms his support for Garrison’s immediatist abolitionism and describes him as “the great abolitionist of slavery.” He also

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<sup>28</sup> Rothbard, “Left and Right: The Prospects for Liberty,” *Left and Right*, Vol. 1, No. 1 (Spring 1965).

<sup>29</sup> “I have a need to be all on fire, for I have mountains of ice about me to melt.” Garrison also held rather anarchist views, for instance:

“As every human government is upheld by physical strength, and its laws are enforced virtually at the point of the bayonet, we cannot hold any office which imposes upon its incumbent the obligation to compel men to do right, on pain of imprisonment or death. We therefore voluntarily exclude ourselves from every legislative and judicial body, and repudiate all human politics, worldly honors, and stations of authority. If we cannot occupy a seat in the legislature or on the bench, neither can we elect others to act as our substitutes in any such capacity.”

William Lloyd Garrison, “Declaration of Sentiments,” in Henry J. Silverman, ed., *American Radical Thought: The Libertarian Tradition* (Lexington, Mass: D.C. Heath and Company: 1970), p. 145. For a study of Garrison and other abolitionists’ anarchism, see Lewis Perry, *Radical Abolitionism: Anarchy and the Government of God in Antislavery Thought* (Knoxville, TN: The University of Tennessee Press, 1995).

<sup>30</sup> Rothbard, “Why Be Libertarian?” *Left and Right*, Vol. 2, No. 3 (Autumn 1966).

<sup>31</sup> Rothbard, “The Black Revolution,” *Left and Right*, Vol. 3, No. 3 (Spring-Autumn 1967).

<sup>32</sup> Rothbard, Letter to *National Review*, August 13, 1968. In Southampton County, Virginia in August 1831, Nat Turner and a group of slaves killed their master, his family, and nearly sixty other people. See Stephen B. Oates, *The Fires of Jubilee: Nat Turner’s Fierce Rebellion* (New York: Harper Perennial, 1990).

praises the abolitionist and John Brown supporter Lysander Spooner as “the great nineteenth-century individualist anarchist.”<sup>33</sup>

Rothbard’s four-volume history of early America, *Conceived in Liberty* (1975-1979), contains six chapters addressing and criticizing slavery: “The Social Structure of Virginia: Bondservants and Slaves” (Volume I), “Slavery in New York,” “Slavery in Virginia,” “Slavery in South Carolina,” “The Quakers and the Abolition of Slavery” (Volume II), and “Elimination of Feudalism and the Beginnings of the Abolition of Slavery” (Volume IV).

In “The Social Structure of Virginia: Bondservants and Slaves,” Rothbard makes several strong claims against slavery on a number of levels. He describes as the essence of slavery: “[H]uman beings, with their inherent freedom of will, with individual desires and convictions and purposes, are used as *capital*, as tools for the benefit of their master.” Being predicated upon the severest domination, “the bit and the lash become the motor of the slave system.” Regarding some individuals’ defense of slavery as a relatively kind, paternalistic institution, Rothbard responds, “The myth of the kindly master camouflages the inherent brutality and savagery of the slave system.” Rothbard also disputes that African chieftains’ complicity in the slave trade mitigates “the brutality of the American slave system.” He notes the disarmament of blacks in Virginia and its prohibition of interracial relationships, concluding that with temporary indentured servitude, “the more

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<sup>33</sup> Rothbard, *For a New Liberty*, pp. 15, 51. Spooner is a precursor to Rothbard’s copperhead abolitionism. A radical abolitionist from Massachusetts who wanted to kidnap Virginia Governor Henry Wise to secure John Brown’s release after Harpers Ferry, Spooner also denounced the South’s conquest. He wrote in 1867, “In proportion to her wealth and population, the North has probably expended more money and blood to maintain her power over an unwilling people, than any government every did.” “No Treason No. 1,” in *The Lysander Spooner Reader* (San Francisco, CA: Fox and Wilkes, 1992), p. 55.

permanent Negro slavery formed the base of exploited labor upon which was erected a structure of oligarchic rule by the large tobacco planters.”<sup>34</sup>

Rothbard introduces “Slavery in New York” noting that in 1702 New York prohibited slave assemblies and testimony “in view of frequent confederations of slaves to plan escapes from their fate.” He adds sarcastically, “However, in a remarkable bit of loading the legal dice, the testimony of slaves *was* to be acceptable when acting as informers on their fellows!” Rothbard discusses a slave rebellion in 1712 followed by the execution of twenty-one participants, which reflected “the brutality and savagery at the very core of the slave system.” He also defends a wave of fires initiated by slaves during 1740-1741: “One happy consequence of the New York slave frenzy was that it stamped the psyches of the residents with fear of further slave revolts, which led to a steady decline in the number of Negro slaves kept in New York City.”<sup>35</sup>

“Slavery in Virginia” reiterates and expands upon his discussion of Virginia in Volume I. His portrait of living conditions for slaves is hardly romantic: “Slaves were kept in compounds where they were condemned to miserable lives of severe labor, little food, hard working hours, and savage treatment; and, above all, they lived absolutely and continuously under the direction of their masters.” Rothbard notes the vital capacity of the State in sustaining slavery, especially with respect to slave rebellions: “[O]ne of the chief functions of the Virginia militia was to guard against such a menace.” He cites a prescription from Governor Alexander Spotswood for “making a law to prevent the consultations of those [rebellious] Negroes” and cites similar sentiments from other

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<sup>34</sup> Rothbard, *Conceived in Liberty*, Volume I (Auburn, Ala: The Ludwig von Mises Institute, 1999), pp. 73-77.

<sup>35</sup> Rothbard, *Conceived in Liberty*, Volume II (Auburn, Ala: The Ludwig von Mises Institute, 1999), pp. 44-46.

governors.<sup>36</sup> Rothbard also laments a rebellion in 1729 where a group of slaves settled in a mountainous part of Virginia and were subsequently conquered. This rebellion “could have been a standing reproach and a beacon light to the colony of Virginia and even to the entire system of slavery.”

“Slavery in South Carolina” discusses rebellions and their suppression, again highlighting the State’s centrality here and noting its “especial brutality” toward slaves. He quotes Governor Robert Gibbes’ grievance, “How insolent and mischievous the Negroes are become.” A fascinating section discusses the establishment of a haven for fugitive slaves near St. Augustine, Florida. Disquieted by the frequency of flight and planned rebellions, “the South Carolina legislature passed a bill for more effective suppression of slave revolts.” After one rebellion, South Carolina hung fifty slaves (ten per day) “to intimidate the other Negroes.” Its passage of reform laws thereafter receives a wry assessment: “Laws were passed requiring better food and clothing for slaves and magnanimously limiting slave working hours to fifteen a day.” Rothbard also notes the master class’s repression of anti-slavery opinion, illustrated in the case of Hugh Brian’s denunciation by a grand jury and suppression by the government for writing an anti-slavery monograph.<sup>37</sup>

“The Quakers and the Abolition of Slavery” lauds the efforts of Quaker anti-slavery activists such as Minister John Woolman. Rothbard commends Woolman’s *Some Considerations on the Keeping of Negroes*: “Woolman punctured the usual rationalization of slavery as being for the benefit of the slaves. Instead, slavery is

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<sup>36</sup> Ibid., pp. 86-88. Rothbard quotes Governor Hugh Drysdale on “making more proper laws against them” and Governor Robert Dinwiddie on the “villainy of the Negroes in any emergency of government.” (The context was slave rebellions during the French and Indian War.)

<sup>37</sup> Ibid., pp. 97-100.

precisely to enable the master and their families to live in luxury off the exploited labor of their human property.”<sup>38</sup> The Quakers’ voluntary abolition of slavery “held up a beacon light of freedom to all Americans.” Rothbard also rejects the notion that tradition compels respect, praising the Quakers for appreciating that “reason and justice need not balk at the weight of irrational and oppressive social custom.”<sup>39</sup>

While the American Revolution won independence from England, Rothbard notes in “Elimination of Feudalism and the Beginnings of the Abolition of Slavery” that “One critical element of coercion—and of land monopoly—remaining in American life after the Revolution was Negro slavery.” He praises how the Massachusetts Supreme Court “eloquently construed” that state’s constitution to abolish slavery in *Commonwealth v. Jennison* (1781). Rothbard also discusses little-known facts such as Aaron Burr’s anti-slavery efforts as a legislator in New York.<sup>40</sup>

In April 1980, Rothbard gave a lecture at the State University of New York at Albany in honor of Dr. Thomas Szasz entitled “Psychoanalysis as a Weapon.” Here he defends the abolitionists against “psycho-historical abuse” by historians who disparage them as a gaggle of loopy agitators. He specifically defends John Brown, “the most hated and denounced [of the abolitionists] as neurotic or psychotic by psycho-historians.” While “Brown was grim and had no sense of humor,” Rothbard does not equate Brown’s dour disposition with madness: “[N]one of these people, not Garrison, and certainly not John Brown, would have made charming cocktail party companions. But this does not make them ‘neurotic’ or ‘sick’; just passionate and determined men who found sin and

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<sup>38</sup> For Mises’ response to the idea of slavery as a benevolent institution, see *Liberalism: The Classical Tradition* (New York: The Foundation for Economic Education, Inc., 1996), pp. 20-23.

<sup>39</sup> *Ibid.*, pp. 174-180.

<sup>40</sup> Rothbard, *Conceived in Liberty*, Volume IV (Auburn, Ala: The Ludwig von Mises Institute, 1999), pp. 434-438.

injustice...” Rothbard moreover disputes the claim that Brown’s unsuccessful raid on Harper’s Ferry in October 1859 constituted madness:

Neither does John Brown's raid on Harper's Ferry qualify him as a nut because the raid manifestly failed. Brown's raid was based on cogent theories of guerrilla warfare, and particularly on a plan set forth a year earlier by the libertarian Lysander Spooner. The idea was to get arms in a dramatic and much-publicized raid, and then to go off into the hills to form what we would now call guerrilla *foco* in the South, which would attract runaway slaves, and which could be used as a base for guerrilla raids upon slaveholders, either freeing numbers of slaves or holding the masters as hostages and forcing them to set the slaves free.<sup>41</sup>

*The Ethics of Liberty* (1982) contains Rothbard’s most radical condemnations of slavery. While the master class considered slave ownership a precious form of private property, Rothbard holds: “The fact of such private title did not make it legitimate; on the contrary, it constituted a continuing aggression, a continuing criminality, of the masters (and of those who helped enforce their titles) against their slaves...the master was every day committing aggression against his slaves.” On this basis, Rothbard underscores the necessity of immediate emancipation: “For the libertarian, for the person who believes in justice, the sole consideration was the monstrous injustice and continuing aggression of slavery, and therefore the necessity of abolishing the institution as soon as it could be accomplished.”<sup>42</sup> Rothbard goes further in contending that conversion of plantation ownership to slaves should have followed their emancipation. “[E]lementary libertarian justice,” Rothbard writes, “required not only the immediate freeing of the slaves, but also the immediate turning over to the slaves...without compensation to the masters, of the

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<sup>41</sup> Rothbard, “Psychoanalysis as a Weapon,” <http://www.enabling.org/ia/szasz/rothbard.html>. Rothbard’s reference to a “guerrilla *foco* [core, vanguard]” reflects his interaction with Ernesto “Che” Guevara’s writings on guerrilla warfare. Rothbard’s laudatory assessment of Guevara is problematic. See “Ernesto Che Guevara, RIP,” *Left and Right*, Vol. 3, No. 3 (Spring-Autumn 1967).

<sup>42</sup> Rothbard, *The Ethics of Liberty* (New York: New York University Press: 1998), p. 61.

plantation lands on which they had worked and sweated.” He justified this measure on the basis that slaves’ labor “mixed with the soil to develop the plantations.”<sup>43</sup>

### **Rothbard’s Ethical Fusion: Copperhead Abolitionism**

Rothbard’s opposition to the Confederacy’s conquest and slavery consistently applies the libertarian philosophy he canonically championed. Each position derives from an orientation of freedom. It should be noted that Rothbard’s defense of the Confederacy was narrow and did not extend to its domestic policies, simply its right to withdraw from the federal union. He did not rationalize slavery in the South as a unique social order or defend Confederate statism—quite the contrary. A defender of Nat Turner and John Brown is not just anti-slavery but supportive of the most radical anti-slavery individuals in American history. Rothbard’s fusion of abolitionism with defense of Southern secession is eclectic, ethical, and instructive.

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<sup>43</sup> Ibid., p. 75. In this prescription, Rothbard is reminiscent of Senator Thaddeus Stevens, who argued for expropriation of plantations to then be owned by slaves. Indeed, Rothbard refers to “the critical importance of the abolitionist demand for ‘forty acres and a mule,’ for turning over the old plantations to the slaves.” Ibid.