

Jury Nullification and Voluntaryism



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“One Voluntaryist’s Perspective” is an original column appearing most Mondays at Everything-Voluntary.com, by the founder and editor Skyler J. Collins. Archived columns can be found here. OVP-only RSS feed available here.

A tax cheat on trial for lying on his tax return. A music pirate on trial for illegally downloading music. A pothead on trial for dealing in marijuana. A car thief on trial for boosting cars. A rapist on trial for attacking women. A murderer on trial for killing bums. What do all of these “perps” have in common besides being charged by the state for a crime? Their trials are worthy targets of jury nullification. Yes, even the latter three, and here’s why.

What is Jury Nullification?

When a jury – a group of “peers” judging the guilt or innocence of someone charged with a crime – votes to acquit *not* on the basis of the facts of the case, but rather on the justness of the law the defendant is being accused of breaking, they have, in effect, made that law null and void as it concerns the defendant. Hence the term *jury nullification*. I leave the history of the practice to Wikipedia, but suffice it to say that jury nullification has a multi-century, common law history. I consider it a beautiful thing. When one is on trial for what amounts to the breaking of an unjust law, say dealing in marijuana, or even less controversial, raw milk, the jury has it within their power to keep the alleged unjust-law breaker out of the rape factory known as prison. But what about nullifying non-unjust laws? Laws against robbery, rape, and murder, for example?

State Laws

No, those are unjust, too. Why? Because they’re *state* laws. The state is an illegitimate authority in society as a monopolizer of law and order. It uses its authority to decree law, some of it compatible with property rights, most of it not, including where it gets its funds to incarcerate or execute criminals. Taxation pays for the maintenance of courts, prisons, and the hangman’s noose. But taxation is theft. Robbing others to pay for the state’s twisted notion of justice is wrong.

What’s a Voluntaryist to Do?

Jury nullification is a powerful tool to keep the state's hands off of peaceful people, like tax cheats, music pirates, and potheads. It's also a powerful tool to keep the state's hands off those who would be forced to pay for the incarceration or execution of real criminals. The voluntaryist would not be acting consistent with his principles if he were to vote as a juror to send someone to be dealt with via the coercive expropriation of noncriminal others. In other words, the voluntaryist should nullify as a juror not only unjust state laws, but all state laws that are enforced through the coercion of peaceful people.

Final Thoughts

This may be the most controversial column I've written. Good and well, I say. Jury nullification is a worthy practice, made complete under voluntaryist insight. Nullify every illegitimate state charge and leave the real criminals to be dealt with by vigilantes and the rest of society. Murderers, rapists, and robbers are given a free pass on their provisions, paid for by the state robbing and threatening to murder everyone else. Rather than seeking justice, state departments of "justice" create more injustice that juries have it within their power to prevent.

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