

AUTHORITARIAN AND LIBERTARIAN VIEWS OF SOCIETY

FRANK VAN DUN

The idea of the welfare state took root in the 1840s. One of its early critics, the French publicist Frederic Bastiat, prophetically defined it as the great fiction through which everybody tries to live at the expense of everybody else. But Bastiat and his friends were not able to stem the tide of history. The modern welfare state was born as an institution in the 1870s. From there it spread rapidly all over the Western world. We are now nearing the end of the 1980s. Over a century of welfare statism lies behind us. For some it has been a century of rising living standards, more social justice and the promise of economic security for all. That vision has taken some bad beatings lately, but it is still part of the conventional wisdom. But this conventional wisdom may be more conventional than wise. Some economists are beginning to ask whether living standards rose thanks to the welfare state, or in spite of the welfare state. Disentangling the causes of a complex phenomenon like the condition of modern society is not an easy task.

For others, the experience of the past century is dominated by two world wars and a variety of other conflicts. Many historians have noted that the first half of this century was the most bloody period in the history of mankind, both in absolute terms and as far as the ratio of war victims to total population is concerned. All recent explanations of the world wars assign an important role to the policies of the welfare state, its imperialism, protectionism and inflationism.

I do not intend to discuss the economics of the modern welfare state. Rather, what I propose to do is to examine in general terms some of the moral and political ideas that seem to underlie our political practices today. In other words, I shall not discuss the question of whether the government is

capable of realising the goals people have come to expect it to realise, nor the question whether the government is the most efficient instrument for realising these goals. I want to analyse whether the government has the right — the moral right — to do the things it does. This question, I fear, is not raised often enough. Public policy debate consists usually of two or more parties each urging the government to adopt a different policy. All kinds of arguments are adduced in favour of the various positions: it promotes social justice, it is efficient, it is expedient, it will reduce unemployment, it will boost exports, etc. But all these policies require sacrifices — sacrifices to be made by individual persons. They are to be taxed, they are to be restricted in their freedom. And this does raise a number of moral problems.

TYPES OF SOCIAL INTERACTION

Morality pertains to human action, in particular to human interaction. So the appropriate starting point is a study of the patterns of social interaction. What makes interaction into a moral problem is, of course, the brute fact of life that the prospects of each of us, the chances of each of us to realise his own goals, depend at least to some extent on what others do or forbear to do. What we do may harm or benefit others, harm some and benefit others, harm another in some respects and benefit him in other respects. Morality requires us to take these harms and benefits into consideration.

A person's prospects depend on a lot of things, but these may be brought together into the following categories: (1) his personal abilities and capacities; (2) his means of action other than the abilities and capacities located in his own body, such as raw materials, tools, money, etc.; (3) his environment,

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FOR LIFE, LIBERTY AND PROPERTY

which provides him with various, ever changing opportunities. The first two categories may be brought together under the heading 'Means' or 'Property'. Means are embodied in physical things, which he has acquired the right to use in certain ways or for certain purposes. But one's prospects also depend on one's natural and social environment — on what nature will do, and on what others will do, either to those things which are his or to those things which are not his means.

One way in which to harm or benefit another is by doing something that will alter the condition of his environment without, however, altering the condition of his means. For instance: I offer someone more attractive terms for his services than he is getting elsewhere. Or: I close my shop, so that he will have to get his supplies elsewhere at higher costs. Or: I open a school next to his house, which as a result declines in market value, potential buyers being scared away.

The other way in which to harm or benefit someone is that which consists in altering the conditions of his means, rendering them either more or less suitable, more or less abundant. I may give something to him or take something from him. 'Taking' should be understood in a wide sense: remember that a person's body is included in what we call his means or his property. Thus, 'taking' covers theft, assault, kidnapping, vandalism, etc.. To take another's means is to alter their condition, change their location, destroy or damage them, immobilise or paralyse them, to use them, all without his permission — regardless of whether one does it to all or only some of his means, or of whether the unauthorised use is permanent or temporary or intermittent. 'Taking' occurs also if one does something to one's property that produces side-effects in another's property: pollution is the primary example.

MORALITY AND OWNERSHIP

What is the moral relevance of these different ways of producing harms and benefits? A moral theory, such as the Hebrew-Christian tradition, is a set of principles of right conduct. It allows a person to arrive at a judgment concerning what he may do or may not do in a particular case (or in a particular class of cases). This is not the place to explore the variety of principles that have been proposed, but fortunately that is not necessary either. The important thing is that no matter what this moral principle may be, it would be useless without a principle of ownership. It is not enough to say which goals a person should strive for, what he ought to do; there must also be an answer to the question what things he may use as his means. This is so because men live in a world of scarcity: the things they need to reach their goals may also be needed by others. Every moral theory must presuppose a theory of ownership.

All of this belongs to the form or structure of morality. We still have to answer two questions: (1) What belongs to a person? (2) To whom does morality address itself? The question which we are trying to answer is, remember, whether the government has the right to do all the things it does. What belongs to Caesar? For a moral evaluation of political practices, it is imperative to know what does belong to Caesar.

Political theories divide into two groups on this question: the libertarian and the authoritarian camp. The libertarians say that morality addresses itself to all persons alike: that all human beings are subject to the requirements of morality. Furthermore, they say, what belongs to a person is wholly

determined by the application of moral theory itself: ownership is based on the fact that the acts through which property is acquired are just as much subject to moral evaluation and judgement as any other. On the face of it, this looks like circular reasoning: moral theory requires a theory of ownership and that theory is itself included in the moral theory. The libertarian escapes circularity here by starting from the concept of self-ownership, according to which every person is the sole proprietor of his own body. And this starting point is not arbitrary: the relationship between a person and his own body is not contingent.

Thus, for a libertarian, a person is morally entitled to his property or he is not entitled to it at all. What belongs to me and what to you depends upon what we have done, and not upon the statutes enacted by the government. And this implies that the only morally proper role for a government is to assist the people in protecting the rights they have acquired in a morally permissible manner — through working, saving, investing, not through 'taking'. Indeed, from the libertarian point of view, modern political practices amount to the legislation of plunder on a large scale. Modern governments and the requirements of morality are antithetical. The state, to recall Bastiat again, is now the great fiction through which everybody attempts to live their lives at the expense of everybody else. It had been the great reality through which the few lived at the expense of the many.

THE PROBLEMS OF SOVEREIGNTY

Many will find the libertarian answer harsh and unjustified: this is not surprising in view of the fact that, whereas our moral education is a rather random affair, more a question of example than of systematic study, our political education is remarkably well organised. If it is not indoctrination, it comes dangerously close to it. And despite the liberal offering of progressive and conservative, 'leftist' and 'rightist' ideologies, there is not really that much difference when it comes to the basic structure of these doctrines, particularly insofar as the relationship between morality and politics is concerned. Our political education is preponderantly inspired by authoritarianism.

The authoritarian answer to the question "What belongs to Caesar?" is that the government has the right to initiate force against persons and the fruits of their labour, that there is nothing intrinsically immoral in this, because the government is merely the agent appointed by the Sovereign. The Sovereign plays a big role in authoritarian theory: he is the rightful owner of all the material resources — and perhaps of all the human resources as well — within the territory of the state. The rights of the subjects are merely property rights granted by the Sovereign (by the government, which is his agent) allowing them to use and enjoy the Sovereign's property, provided they abide by his laws and regulations. Paying taxes is like paying rent: if you do not like it here, you can leave (unless you too are government property, as you would be in a great many countries today).

Of course, the answer is never given in this explicit form, except in theoretical writings. But it is implicit in all the talk about the government's right of eminent domain, its right to tax, to demand compulsory services, to restrict the people's freedom to produce or consume, to trade or to save. The great thing about this theory is that, if it were true, it would indeed show that the government does have the moral right to do all the things it does — provided only it does so with

the authorisation of the Sovereign, and of the ‘legitimate’ Sovereign at that:

Who is the Pretender, and who is the King?
That my friend is quite another thing.

However there is little or no reason to suppose this theory is true, and every reason to suppose it is false. But that does not apparently diminish its attractiveness for the apologists of modern political practices.

But even if it were true, we should still have to find which particular variant of it is true. There are indeed many authoritarian theories, no one of which can be true if any of the others is true. They all face the same questions and they all give different answers to them: Who is the Sovereign? Is it God? The People? The Nation? The Race? The Proletariat? The Poor? The Aristocracy? The King or the Pretender? What does the Sovereign want the government to do with his property? How do you find out what God or the People or the Race want? What is the precise relationship between government and Sovereign and between citizen and Sovereign?

And then there is the million dollar question: how did the Sovereign acquire his right to do all these things; how come he owns everything? Most authoritarian thinkers do not even attempt to answer this question in anything like a rational manner — myths and legends by the dozen, but no arguments. Contemporary theorists of authoritarian democracy have even abandoned the myths. This makes it easier to discuss Western societies as they really are, but it does not help us one bit in finding the answer to the question concerning the moral right of the government to take and tax and legislate and debase the currency. It doesn’t help to find a reason why people should respect the laws and regulations, other than that they may get into trouble if they do not respect them and cannot wait until they have changed them.

The authoritarian option leaves us wondering between the mythical and the cynical. How does it get away with it?

DEMOCRATIC AUTHORITARIANISM

Part of the answer, of course, is that we identify our societies as democratic, and have absorbed in our linguistic habits the rather simplistic notion that ‘democratic’ is the opposite of ‘authoritarian’. Whatever the validity in social psychology of this notion, where democratic personality-types and relationships are contrasted with authoritarian ones, the notion has no validity whatsoever in political thought. There are authoritarian conceptions of democracy, and all democracies today are authoritarian democracies. The libertarian conception of democracy has been suffering from mindless ridicule at worst and benign neglect at best for almost two centuries now.

Authoritarianism, as we have seen, is simply the doctrine that there is a higher authority, a political authority higher than the law. This authority somehow owns some territorial segments of the earth, and has, therefore, the right to decide how people should behave there. Authoritarians quarrel a lot among themselves about the identity and the will of this Sovereign, but they all agree that there has to be one, and that people have a moral obligation to obey him and his laws. Democratic authoritarianism asserts that this Sovereign is the People.

This democratic authoritarianism is a rather late invention. It was developed in France in the second half of the 18th cen-

tury, and conquered England only towards the end of the 19th century. England, while not strictly speaking a libertarian democracy, had until then continued to pay lip-service to libertarian principles.

LIBERTARIANISM AND DEMOCRACY

In fact, libertarianism and democratism were born twins. Libertarian thinking began by searching for the rights of man, and having found them sought to develop a theory of government consistent with the moral rights of man. In essence, and with due exceptions for the emergencies such as wars and natural disasters, this theory was that the government had nothing else to do but to assist the people in protecting their rights. It has been restated in a very forceful way, by Robert Nozick in *Anarchy, State and Utopia*. The final and more minor matter was to determine how this government was to be selected. Most libertarians favoured the democratic method, although some of them were fearful that in the end the democratic means would replace the libertarian end, that majority rule would replace the protection of rights. Early democratic literature abounds with references to the Tyranny of the Majority.

Their fears turned out to be fully justified. The French democratic tradition was more interested in power than in rights. Rousseau and Voltaire, Robespierre and Napoleon had all ridiculed the idea of ‘natural rights’, i.e. morally rather than legally founded rights. For all of them the Legislator was the supreme authority; it was the Legislator with his law who was thought to create, to make, to be the author of society. At the same time, the rise of all kinds of socialist doctrines contributed to a decline in the belief of the justice of private ownership — even before that belief was well established. Libertarians were fighting old-style authoritarians before they were confronted by the new-style authoritarians. In the end they lost: democracy, at first a part in the struggle against absolute power, later became a tool of absolute power. The following argument, proposed by Joseph Chamberlain, a.k.a. “Radical Joe”, one of the first modern style politicians, gives us an idea of what was happening:

Restricting the powers of government was a good thing when government was the privilege of the few, but now that the people itself constitutes the government, to limit the powers of government would be to restrict the freedom of the people.

To put this in plain English: “Anybody who succeeds in making a law to suit his purpose at the expense of others is welcome to the democratic club.” With a rule like that, modern political practices could hardly be very much different from what they are. But the point is that the nature of democracy had been transformed completely. Democracy, makes sense as a method for selecting the men called upon to perform a well defined task. It makes no sense at all as a method for making laws and deciding on policies. Yet this is what it would have to do under the requirements of authoritarian democracy. Democracy still is, and can never be anything else than, a method for selecting persons, even if, as now, those elected never get an unambiguous mandate, let alone a well defined task.

The authoritarianism of the pre-democratic age had said: the many owe the few a living; the few have the right to exploit the many. The authoritarianism of the democratic age said: we all owe each other a living; we all have the right to exploit one another, provided we do so in accordance with

democratic procedure. The welfare state: can it really be true that we have only institutionalised the war of all against all?

For an authoritarian theory of democracy, man can only have one basic right: the right to participate in political decision making. But what is this right? Is it a right to have a say or a vote in decisions that will affect one's own prospects, or is it a right to meddle in other people's affairs? Of course it is both at the same time, but the more valid perspective is that which sees it as a right to meddle in other people's affairs. Why indeed is it important that people should have a right to participate in political decision making, if not because political decision making is by definition making decisions about the management of other people's business?

CONTRADICTIONS OF DEMOCRACY

This is so even in a pure, direct democracy. If out of a population of 100 a majority votes to institute a tax of, say, £10 per head, one does not summarise the situation by saying that the people choose to give £10 each to the government: what happens is that those who vote for the tax 'entitle' the government to take £10 from each of the members of the minority. The existence of the government makes it possible for the members of the majority to realise some of their goals at greatly reduced cost: they vote to expropriate the minority and to force its members to subsidise the programme the majority think worth having. But what is the moral basis of this right? And of course in the real world of politics, there is not one majority and one minority: there are only coalitions of minorities.

Furthermore, it will not do to say that all agree "to play the game according to the rules, accepting the possibility of losing any particular play". There is no such thing as 'government by consent'. Politics is not a game. He who participates in a game does indeed agree to play according to the rules and to accept the possibility of losing. But at least one has the right to refuse to participate: if one is forced to participate in a game, one is not morally obliged to honour the outcome, even if the game was played according to the rules. Whether voting is compulsory or not, it is clear that not to participate in an election does not mean those who did participate will leave you alone. There is a difference between a political leader and a government: you choose the man you wish to follow, you choose the man you wish to be your leader, and he remains your leader only for as long as you wish to follow him; but you do not choose the person who is to govern you — this choice is always made by others. And this would be true even if one could costlessly emigrate to any other country at any time one wished. The reason is simple: one can choose not to follow any leader; one cannot choose not to be governed — that choice is not yours to make.

There are other problems with authoritarian democracy. One of the most important is connected with the distinction between the people who pay the taxes and the people whose income is paid out of tax revenue (mainly government employees, but there are others as well). These tax consumers do not of course pay taxes on their income, even though in most countries a lot of administrative work is spent in keeping up the pretense that they do. In most countries too these tax consumers constitute a sizable portion of the electorate. Even if we accept everything else about the modern democracies, there still remain a number of moral problems in con-

nection with this little talked about aspect of political organisation.

JUST AND UNJUST PROPERTY

Perhaps I should say a few words on libertarian democracy. For libertarians, private ownership is obviously a valid institution. This does not, however, mean they are bound to say the distribution of private property rights as it exists at any given moment is morally valid. The purpose of the libertarian argument is to show in which direction we should be moving. Libertarians were among the most outspoken critics of political and legal practices of the 19th century. They knew, for instance, that big government budgets are not the sole symptoms of a decline of the private property system. The legal structure of the Western countries in the 19th century did not impartially provide equal protection of everybody's property rights except some highly visible ones: property rights in land, factories and machinery. Some classes of debtors, particularly banks, were privileged, while others were treated with undue hardship. Damage to property due to pollution soon ceased to be a safe cause for legal action against the polluter — in many cases, pollution was given the green light by the legislatures. These inconsistencies were inherent in the liberal democracies of the 19th century: they too were in fact authoritarian democracies. The definition and sometimes even the distribution of property rights were to a large extent left to the government, even in the common law countries. Besides, many of the common law principles were formed in feudal times, as were indeed many of the fortunes that played a role in shaping the 19th century. Thus, the development of the law during the 19th century was in many ways contrary to libertarian principles.

LAW AND LIBERTY

What this means is that an economic policy of *laissez faire* is not enough to satisfy the libertarian. The basic legal structure is the key variable. Given the legal structure of the Soviet Union, for example, a governmental policy of *laissez faire* would immediately lead to chaos. Without a general application of the principles of private ownership based on the moral claims of the producer to his product, there can be no free market. But if there is a general application of these principles, the free market generates its own legal structure. Modern corporation law, to take one example, is not the creation of the legislator. Rather, it is the result of a gradual process of selection: contracts which are successful survive with the surviving firms and can serve as a repository of social experience while at the same time remaining flexible enough to meet new challenges. But this can only remain true as long as the law is not cut off from the source which gives its life: freedom of contract, which is of course an integral part of the system of private ownership. Legislative meddling with this structure as often as not leads to all kinds of absurdities and inefficiencies, as economists know all too well. One leading economist has indeed defined economics as the study of property rights.

But at this point I wish to close my discussion. In spite of the 'moralistic' tone of much of the propaganda of authoritarians and statist the moral basis of their position is infrequently analysed, let alone criticised. This essay has thus been an attempt to explicate at least some of the moral conflict between the libertarian and the authoritarian views of society.