

# RIGHTS AND CONSEQUENCES, PROPERTY AND POLITICS: WHAT LIBERTARIANS AGREE ABOUT AND DISAGREE ABOUT

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## LIBERTARIAN RIGHTS AND THE NATURE OF THOSE RIGHTS

Libertarianism, according to the best short description of it that I know of, means believing in things like the following:

- (1) the right of all persons to life, liberty and justly acquired property;
- (2) the voluntary exchange of all goods and services;
- (3) each individual's liberty to pursue his or her chosen life-style, but not to impose it forcibly on anyone else;
- (4) the elimination of coercive intervention by the state, the foremost violator of liberty.

### INTRODUCTORY NOTE

Many months ago I decided to write a book. A book looks good in your cv. Books show up on other people's bookshelves. Books make you famous. Arguing for libertarianism and about libertarianism is what I know most about, so I started to write a book provisionally called "Libertarian Arguments". But I am by inclination a writer not of books but of pamphlets. A few early bits got written but then I got stuck. So here's the first bit I did now. Maybe serialisation will succeed where trying to do it all in one go failed.

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**FOR LIFE, LIBERTY AND PROPERTY**

I admire this four-point libertarian statement (which comes from a Libertarian Alliance introductory leaflet of long ago) because in a few sentences it says clearly what unites libertarians. Life, liberty, property, the voluntary principle (applied to economic life and to "personal" matters), our right to be unlike others but not to force others to be like ourselves, and the prominent role of the state in threatening such rights: these are the things that libertarians agree about.

I admire this four-point statement also because it avoids saying what divides us. It does not take sides in certain characteristic libertarian internal arguments, two in particular, but instead rises gracefully above these disunities. It is a small masterpiece of coalition building. The libertarian movement is a coalition.

The two internal libertarian disagreements that the four-point statement avoids discussing concern, first, the philosophical basis of libertarianism, and second, the exact role of the state in a libertarian world.

### NATURAL RIGHTS — GOOD CONSEQUENCES

Point one of the statement asserts that libertarians believe in rights: to life, liberty and justly acquired property. So, do we libertarians believe in some sort of "natural" right to liberty, that all persons possess as soon as (or perhaps even before?) they are born, simply because they are human? Or are all rights socially created, like the rights conferred upon Peruvian citizens by a particular Peruvian Act of Parliament.

Whatever we libertarians each think of the origin and nature of the rights we favour, do we believe in them for their own sake, simply because we want them for ourselves and for people generally, and do we then agree with and defend the consequences that result from these rights being recognised, whatever these consequences might be? Or do we believe in these rights because of — even only because of — their consequences, believing that we understand these consequences and that they are and will be good?

I'm fairly sure that I'm not a "natural rights" libertarian, but maybe I depend on the enthusiasm and linguistic aggression of those who are. Without damn-the-consequences natural rights protagonists, would there have been a libertarian movement for me to join? Would "libertarianism" now

mean anything beyond an incoherent distaste among collectivists for the necessary consequences of collectivist decisions? Are natural rights nonsense, but noble nonsense? If not respected by some with near religious enthusiasm, would rights of any sort be respected with sufficient enthusiasm by anyone?

### FOR NOW? FOR EVER? INEVITABLE? DOOMED?

Do we want libertarianism for ever, or are there special reasons to want it now? Can we imagine ourselves emerging from a time machine into a world where we would ignore, dismiss or oppose libertarianism, while still insisting upon its benefits now? (Do such reflections throw light on the objections of our opponents now?)

Do we perhaps believe that liberty is simply a fact, and that to be a libertarian is merely to acknowledge that the world is as it is, regardless of how we might like it to be? Do we, that is, believe in people freely pursuing their own purposes in the same kind of way that we also believe in gravity?

Or do we believe that there are particular technological reasons, or even permanent psychological reasons, why libertarianism may be very hard to achieve? Does libertarianism mean not so much riding the waves of history as trying to still or reverse them, and must this mostly vain effort still be made if tyranny is not to win completely?

Or, at different moments and in different moods, do we believe in a mixture of the above versions of the libertarian idea, and several more besides?

### LIBERTARIANISM AND THE STATE

The final point of the four-point statement identifies the state as the “foremost violator of liberty” that libertarians agree it to be. But if we agree that the state as now commonly understood and believed in certainly ought not to be so big and overbearing, how small and how underbearing ought it to be? Are we, that is, minarchists or anarchists? Should the state and the taxation to pay for it be “minimal”, confined to a small core curriculum of activities mostly concerning the use of force to minimise the use of force for any other purpose? Or should the state and the taxation to pay for it be so minimal as not to exist? Should the forceful restraint of illegitimate force itself be financed on an entirely voluntary basis, just like any other activity?

Do we perhaps believe that abolishing the state is impossible, that someone or something will always have the final, forceful say, that he or they or it will accordingly be the state, and hence that the idea of abolishing the state is by definition a mirage? Is anarchism, in other words, a project like the switching off of gravity? Many of the non-libertarian critics of libertarian anarchism say this.

Maybe libertarian anarchism *is* a mirage, but, like natural rights, a noble mirage. The attempt to grasp the mirage of a stateless world may be doomed, but the more we attempt this, the more minimal — and hence the more well-behaved — we may make the necessarily persisting state.

Or is anarchism a destructive mirage, like communism? “Pure” communism was impossible to achieve *and* the attempt to achieve it caused colossal suffering. Might “pure” libertarianism be like that?

I tend in a muddled way (I don’t know much about philosophy but I know what I think) towards consequentialist arguments and against the philosophy of “natural rights”. And I reach beyond minarchism to libertarian anarchism, which if it is a mirage is, I now think, a mirage with good consequences.

### PROPERTY AND CONSENT

What makes libertarians different is not our attachment to liberty; it is our enthusiasm for the idea of *property*. Quite aside from the owning of mere external things, a person owns himself and he owns his own body (which means that he has the right to damage or even destroy himself).

As for property rights of the more conventional sort, we libertarians are enthusiastically in favour of them. Whatever further property an individual may acquire by applying himself to the property he began with, and by swapping the results with others, is also rightly his.

(Libertarians argue, as do others, about the origin of legitimate property rights. In what circumstances may one legitimately appropriate unowned property? What of such things as “intellectual” property rights?)

Whatever a group of people *consent* to, making use of what is rightfully theirs, should be legally allowed. If you own it, then you can give it away or pool it with the property of your family or friends or fellow club members, or you can swap it for something else, like money. Property is a precondition for markets, for if no one owns anything no one can legitimately trade anything. Markets enrich and delight us by enabling us to specialise in what we do well and enjoy doing, and to save or spend the resulting earnings in ever more satisfactory and pleasurable ways. But — and this is a very big “but” — anything *not* consented to by those whose rights are involved — anything that over-rides or takes away or transfers a person’s rights *without* his consent — should not be allowed. We oppose the whole principle of taxation — for taxes are mostly imposed against the will of those taxed.

(But what of markets that result from the trading of properties that were not legitimately come by? What of markets among thieves? And if you own yourself, and can destroy yourself, may you also *trade* yourself? May you *sell yourself into slavery*? If you may *not* sell yourself, do you truly own yourself?)

### PROPERTY AND PEACE

Property rights are the solution to untold billions of potential social disputes, otherwise insoluble. Property is one of the ways — for libertarians by far the best way — to settle the central problem of freedom. That the idea of property makes for wealth is now almost universally understood. Less ingrained in political debate nowadays is the profound link between property and civil peace. It is well understood by most people that peace between nations usually involves some kind of territorial settlement. The same applies to individuals and groups within each nation.

If I wish to play classical music CDs, but she wishes to immitate a noisily inspiring exercise video in the same small place, what then? We libertarians say that the argument should be settled not by a fight between me and the exerciser, or by some kind of adjudication procedure involving the relative artistic or other merits of the two things, but by

asking which of us *owns* — or is friendly with or the appointee of or the tenant of the person who owns — the disputed territory. In territory that I own, or in territory delegated to me by its owner, I can listen to classical CDs. In her territory she can exercise to her video as much as she pleases. If we each stay in our own separate places, we can each live by the rules we each prefer, and each of us can be content, which is why property rights are so ubiquitous, and indeed are virtually synonymous with civilisation itself.

Libertarians favour the extension of the idea of property to types of places or spaces, physical or virtual, where the idea of property is not now taken seriously, and where intractable disputes consequently rage, or may rage in the future: to the roads, the sea, the sea bed, the air, the airwaves, the surface of the moon, interplanetary space, the territory occupied by endangered species, and so forth. Problems like: what to have on television, how to encourage space exploration, how to prevent traffic jams, how to prevent the pollution caused by traffic jams, and how to stop the pollution of the environment generally and the extinction of threatened and photogenic species, are all approached by us libertarians with our property rights spectacles on. Where there is property there are markets. We favour markets in road use, in airwaves, in rights to slices of the geostationary orbit, in pollution rights, in elephants and tigers and whales. We do not confine ourselves to defending only those property rights and those markets that already exist. On the contrary, we regularly point to restrictions upon existing markets which ought to be removed, despite the objections of those trading in these markets whose expertise now consists partly of knowing about these restrictions.

Does not property restrict liberty? Yes it does. But the paradox of property and liberty is that property both restricts and maximises liberty. I with my classical music and my rival with her exercise video cannot both be at liberty in the same space to indulge as we wish. One of us has to be disappointed. One of us has to have his or her liberty curbed. But this sort of restriction of liberty is a fact like the fact of gravitation. No political philosophy can contrive a world in which classical music fans and video exercisers can both contentedly occupy the same five square yards without something having to give. Property does not maximise liberty by maximising my liberty and trampling all over your liberty. Property is the indispensable means by which we all can have some liberty, and is hence the means to maximise the total quantity of liberty in the world, possessed by people in general. (“Left” anarchists who claim to want to maximise liberty for all, but who oppose the idea of property, delude themselves.)

Property benefits those who possess little of it, as well as those who possess lots. Property divides the power of the powerful and both enables and obliges them to compete for the allegiance of the less powerful. It makes possible all the varieties of employment and consumption that poor people need to choose between if their lives are to be bearable.

Libertarians believe that liberty should be pursued with immoderate enthusiasm, and that the concept of property is how to do this.

### **LIBERTY AS THE MEANS TO ACHIEVE OTHER VALUES BESIDES LIBERTY**

In Anglo-Saxon public debate now — no doubt it is different in Anglo-Saxon private debate and in public and private

debates elsewhere — very few now say that they are straightforwardly opposed to liberty. Just like libertarians, other politically thoughtful people believe, or say they believe, that liberty is a fine thing. But they also believe in peace, justice, conviviality, prosperity, happiness, virtue, truth, beauty, and so on. The difference is that we libertarians believe that liberty, tempered and maximised by property, is, besides being good in itself, also the best way to get as much as we can of these other good things. The more we have liberty, the more we will also have of peace, justice, conviviality, prosperity, happiness, virtue, truth and beauty. Liberty, both for itself and for its consequences, is something of which we cannot have too much.

A common criticism of libertarianism is that liberty as libertarians understand it, if pursued with libertarian extremity, will threaten these other values. Liberty may be splendid, yes, but so are peace, justice, conviviality, and so on. There is a balance to be struck, a trade-off to be judged. Effort must be dispersed, not concentrated on the one enthroned value from which all the other values can be relied upon to flow. Go flat out only for liberty — or only for peace, or only for justice, or only for prosperity — and all of the other desirables will suffer, more than the gain along the one emphasised axis could ever justify.

Worse, say the critics of libertarianism, if you go flat out for liberty, *liberty itself will suffer*. Extreme liberty — libertarianism — is, say the critics, *self-destructive*. Those who oppose libertarianism regularly do so *on libertarian grounds*. If, they say, you slash the state down to a ghost of its present self, you destroy the barriers now established between people who are now merely very wealthy and the achievement by them of absolute, untrammelled, life-and-death power over the rest of humanity. Replace politics entirely by voluntary actions, and the checks and balances that now restrain and civilise the savagery of commerce will be destroyed. Thus say the critics of libertarianism. (Much the same is said, by me as well as by others, of “extremist” projects which emphasise one of the other values, such as truth or virtue, and expects the rest of the list — sometimes including liberty and sometimes not — to follow.)

Central to being a libertarian is believing that this criticism is false, that the consequences of complete commercial freedom are not what the critics of libertarianism fear. If you are a libertarian you must believe not merely in “the voluntary exchange of all goods and services” (point two of the four-point statement) and in “the right of each individual to pursue his or her chosen lifestyle, but not to impose it forcibly on anyone else” (point three); you must further believe that in the world of “actually existing libertarianism” the voluntary exchange of all goods and services will result in a society in which each individual actually is at liberty to pursue his or her chosen lifestyle, but not to impose it forcibly on anyone else. Merely countering the objection to point two by referring one’s critic to point three is not sufficient. It is not enough for a libertarian like me to say that I believe in total commercial freedom and total lifestyle freedom, and that if the first destroys the second, that’s not my problem.

Socialists claim that socialism means centralised, democratic control of the economy and the society, *and* that socialism means conviviality and equality. But it is not enough, I say, for socialists to say “we believe in conviviality and equality” and therefore that “actually existing socialism” — so unconvivial and unequal — is a betrayal of true socialism

and nothing to do with “real” socialists, or with socialist beliefs, or with the previous actions of socialists.

Libertarianism, then, is not an assertion to a straightforwardly anti-libertarian world that liberty, which the world now completely shuns, is actually very splendid. It is more a disagreement with the rest of the world about the consequences of “extreme” liberty.

### THE DILEMMAS OF LIBERTARIAN POLITICS

Something else that libertarianism does not consist of, besides an agreed philosophical foundation, is an agreed list of detailed political policies, a shared political “platform”.

How can this be? Don’t libertarians believe in slashing taxes, legalising all drugs, creating a free market in money and in roads, abolishing government economic interventions such as minimum wage laws, in establishing completely free trade between their country and other countries, and generally in protecting the lives, liberties and properties of all people? Yes we do. But from the point of view of some libertarian politicians wanting to arrive at an agreed libertarian agenda, this list is too long.

Political programmes must set priorities. A libertarian political programme will accordingly imply a much longer list of government activities and restrictions and impositions which will remain in place, at least for the next few years. A team of libertarian politicians may agree that drugs should be legalised, money denationalised, roads privately owned and road use priced. They are less likely to agree about which of these policies ought to be pursued if this means postponing or ignoring the others, and in the unlikely event that they did agree about just the one policy goal, they would be unlikely to agree about how achieve it.

Which taxes should be cut first and by how much? Should all drugs be legalised at once, or should we start only with soft drugs? Given that organisations like the Federal Reserve Bank and the Bank of England are not exactly political kittens, might it be wise to soften them up first with a bigger intellectual assault upon nationalised money than they have hitherto been subjected to, before trying to go ahead with the policy of free market money itself? Which government regulations are the most pernicious or pointless and therefore to be abolished at once, and which can be left in place for the time being without doing too much harm? Would it perhaps be sufficient, for the time being, to allow the level at which the minimum wage is fixed to drift down with inflation (given that nationalised money is to remain nationalised, just for now) and for the harm a minimum wage does therefore to fade away, without a big political furore?

An electorally successful libertarian political programme, however sweeping, would involve victorious libertarian politicians then being in charge of governmental activities which they have been opposing in principle, but will then have to operate in practice. How should libertarian politicians handle a tax revolt which their electoral rhetoric may have done a great deal to inflame?

So is “politics” the way to go?

### CONTENT ONLY — OR STYLE ALSO?

Question marks abound here. It is part of libertarianism’s appeal that it supplies its adherents with new things to argue

about, rather than putting a stop to all argument. I have here described or alluded to many of these arguments, and have taken sides in some.

I’ll end with another question. Is libertarianism merely its content, or is libertarianism also a *style*? Are slogans like “Legalise All Drugs Now!” and “Sell the Roads!” and “Taxation is Theft!” the mere consequence of taking libertarian ideas seriously, or is the up-front in-your-face manner of such sloganeering essential to the nature of the libertarian movement? If we didn’t make a point of outraging majority opinion, grabbing scholarly and media attention and exciting excitable youths with such slogans, would that mean that we weren’t any longer real libertarians?

#### A NOTE ON FURTHER LIBERTARIAN READING

The United States of America having been the nearest thing in the world to a country where libertarianism has been constitutionally enforced, this is where the modern libertarian movement began, as a reaction against the fact that far less libertarianism, and far too much of its opposite, is now enforced in the USA than used to be the case. Although libertarian ideas are now spreading rapidly all over the world, the USA is where the libertarian movement is still strongest. All the writers I am about to recommend are from that country.

The two most well-known and most footnoted of the books summarising the libertarian case are probably Murray Rothbard’s *For A New Liberty* (Macmillan, New York, 1973), and Robert Nozick’s *Anarchy, State and Utopia* (Basic Books, New York, 1974). The latter has been especially successful in getting a hearing for libertarianism in academia.

Whereas Rothbard argues for rights in their own right, David Friedman, in *The Machinery of Freedom: Guide to a Radical Capitalism* (2nd edition, Open Court, La Salle, Illinois, 1989, first published 1973), mostly talks consequences. This was the book which first told me about libertarianism.

So does Charles Murray, in his recently published *What It Means To Be A Libertarian: A Personal Interpretation* (Broadway Books, New York, 1997). Murray makes concessions to the not-so-limited state, but presents very well a case for libertarianism as the arena within which the traditional virtues will flourish rather than atrophy.

As for other reading — and suggestions for still more — try the entire written output of the Libertarian Alliance. Write to the address given in the box on page one of this, and we’ll send you a publications list and some other specimen publications. Or look us up on the internet, through which, thanks to the work of Libertarian Alliance Netmaster/Webmaster Ian Geldard, an ever growing proportion of our output is accessible.