

Introduction

A Short Lesson About Liberty

It will help me explain and defend the free society if we have a clear enough idea of what it is. As with all normative theories, the classical liberal, libertarian system has several versions, even though the tenets of the political position are not very complicated to lay out. I have gone over the following lines with several other libertarian political theorists and have not found major objections voiced against it.

Champions of the fully free society uphold the sovereignty of each adult individual in social life. They distinguish themselves in the political arena in most western countries from both the Left and the Right because, on the one hand, the Left is inclined primarily to impose restrictions on individuals pertaining to their economic or material actions, while the Right imposes on individuals when it comes to their spiritual or mental actions. Both Left and Right enlist government for the purpose of regimenting certain aspects of the individual's life, whereas the libertarian sanctions only those laws or rules that aim at keeping everyone's sovereignty — at protecting individual rights to life, liberty and property.

Just as a quick illustration, many US conservatives endorse the war on drugs as well as a closer unity between government and church, bans on prostitution, gambling, pornography and other vices. It is mostly concerning the crafting of people's souls that the Right enlists the government's coercive powers, although since body and soul aren't ever sharply divided, this often involves regulating people's economic activities as well (e.g. Sunday liquor laws).¹

[1] Conservatives aren't united so much on doctrine as on ways to think about normative matters. They hold that how we decide our institutions, laws,

The Left, in turn, wants heavy government regulation of the economy — minimum wage laws, anti-trust crusades, etc.² They want progressive taxation and government efforts to equalize and redistribute wealth, not simply to protect the integrity of market and other voluntary transactions and interactions. Here, too, a sharp division between the economic and the spiritual is impossible, so the Left is often involved in regimenting people's talking and thinking (e.g., when it supports government bans on hate speech or racial discrimination in commerce) while the Right will often support 'blue' laws to protect people from moral degradation.

In the particular area where their philosophical focus is, the Left and Right both want government intrusion. Ayn Rand noted this a long time ago — she suggested, thereby, that metaphysics has a good deal of impact on public policy. (The Right's idealism and the Left's materialism tend to dictate what is to be controlled.)

In non-Western countries and cultures these distinctions are less germane. In the context of such societies the libertarian seems almost beyond the pale for considering individual rights the bedrock of justice, given how prevalent groupism — tribalism, ethnic or religious solidarity, nationalism and the like — tends to be.

The champion of the fully free society sees the function of the legal system and authorities as, first and foremost, to protect individual rights. In that respect the champion of the fully free society is more loyal to the (original) vision of the American republic and the English political theorist John Locke, the philosophical grandfather of that polity, than are any other political movements afoot now. Republicans, Democrats, socialists, conservatives, liberals, communitarians, Islamic, Christian, Hindu or other religious fundamentalists and the rest all seek to impose ways of private conduct, often claiming that there does not even exist a sphere of legitimate privacy in human life.

The US Declaration of Independence states, by contrast, following the lead of Locke, that all men are created equal and endowed by their creator with certain unalienable rights, amongst which are life, liberty and the pursuit of happiness. Champions of the free system believe that they flesh out this document more accurately, consistently and completely than do Democrats, Republicans, socialists, communists, communitarians or any other political faction in this society.

and practices should be grounded in tradition — what has worked in the past, what has been tried and found true.

[2] The Left in America, often called 'liberals', do endorse a doctrine, mainly concerning the role and scope of government in the lives of the citizenry, which is supposed to be extensive and broad, mainly so as to enable folks who aren't doing well in life to flourish.

Why? Because if we really do have the right to our lives, for example, then the legal system should protect us against all efforts on the part of either criminals, foreign aggressors or the legal authorities themselves as to how we ought to live. All paternalistic intervention, even for the sake of improving some aspect of our lives, is intolerable — bans on drug abuse and smoking in private places or regulation of employment. Adults are off limits as far as regimenting their lives, actions and goals is concerned. That is what having an unalienable right to life, liberty and the pursuit of happiness comes to, nothing less. A proper legal order has as its primary goal to protect these rights.

Take the particularly controversial case of the position that no one has the authority to prevent you from committing or seeking assisted suicide. Now that's fairly radical. Many find it objectionable because they think we either belong to God or to some group or, thus, aren't authorized to decide what happens to us and what should be done about it.

Champions of the system of liberty hold that one's right to life is the only authority to decide what happens to one's life and that if someone who can assist with suicide is invited by one to help, prohibiting it is unacceptable. The right to life, according to this view, means that you, not other people, should be the one who makes decisions about your life, including whether to delegate to someone else who is willing the authority to help with ending it.

Rights are principles identified in the field of political theory that spell out 'borders' around us. In order to cross those borders, those inside must provide those outside with permission.

Just consider the right to private property, as we normally understand it. If it is your car, somebody else who wants to use it must ask your permission. You are the one who is to make that decision. If you want to refuse permission you have the authority to do so, others do not. If you wish to sell it, that, too, is up to you and to whoever is willing to meet your price.

Similarly, if it is your life, somebody who wants to do something to it must gain your permission — as when you authorize a physician to perform a risky operation or a cabby to drive you to the airport. On the other hand if, for example, you don't want to go into the ring with a world champion boxer who wants to fight you, that, too, is properly up to you, not somebody else.

If you want to smoke, drink, take drugs, climb mountains or go skiing, provided no one else's rights are violated by such actions, you need no one's permission. That is what is so fundamental about libertarianism. Individuals are the ones who are sovereign, not the legal authorities and not even the majority of the people.

Sovereign means you rule yourself. Nobody rules you. Sovereignty is that condition under which somebody has the fundamental right to self-governance and others must ask permission before they intrude on this government. The consent of those who are to be governed is necessary before government by others than oneself can commence. That is because their lives are their own, not someone else's — the family's, society's, nation's, race's, ethnic group's, gender's or humanity's. It's your decision — even if you misgovern yourself, or if you waste your life away.

People may offer you advice, write editorials directed at you, send you letters, try to talk with you — in short, they may approach you in peaceful ways. But they have no authority to take over the governance of your life.

Even democracy — meaning many, indeed, the bulk of the people — does not void this individual sovereignty. Why should it? After all, the majority is composed of individuals, and if alone they aren't authorized to intrude on your life, together they aren't either. Democracy is a method, mainly, of selecting administrators of various, including governmental, tasks. Or it is a method that can be used to reach decisions if all those affected have agreed to its use, as in the Rotary or Lions Club.

One must authorize — delegate authority to — legal administrators to do certain things. Only then do they acquire proper authority — as opposed to mere power — to do them. If the authority was not given, then the officials lack it and must stay out of your life (educational, commercial, scientific, religious, or anything else) as well as your actions — that is what having the right to liberty means.

I am free in the political sense if I can take various actions without interference by other people. (There are other senses of 'freedom' but they are not relevant here.) If I want to pursue a life of productivity, creativity, art, science or education, I may embark on those pursuits and no one may prohibit me from doing so. If others are needed by me for these pursuits, their consent is required. And if I choose not to embark upon such pursuits but, instead, choose to be idle, lazy, imprudent, neglectful toward myself and my best interests, including making contributions to my community, that is also something I have a right to do. I am not to be placed into involuntary servitude to others or to myself. Voluntary association is essential to free men and women.

One reason why so many people cower at certain points from the classical liberal position is that they think that when one's freedom is misused then some kind of governmental, forcible interference is justified. So that, for example, you want to pursue a life of laziness, drug addition or debauchery, then they think this may be forcibly prevented. But this is wrong.

The libertarian says that with the authority to run your life goes the risk that you may mismanage your life. It's up to you. Once you reach the age of reason, once you are an adult, once you are no longer in a state of dependence — upon the wisdom, insight or guidance of your parents or guardians — you are in charge of your life and community with others must be voluntary on all sides.

The legal authority within a given jurisdiction is no more than a kind of referee. It's only concerned with maintaining peace and the maximum absence of violence against individual rights, and with no one abridging those rights with impunity. That means that if someone's rights are violated, the culprit at least gets punished for the deed. Neither the legal authorities nor anyone else can always prevent the violation of rights. Just like a referee in a basketball court who cannot always prevent the players from misbehaving. But once they have misbehaved, adverse consequences follow — they must get penalized for it. So similarly, the function of the legal authority, as the classical liberal sees it, is to protect against and penalize violators of individual rights.

As adults we all have equal status — not economically, not in terms of our beauty, our background or how nice our parents are but in terms of our rights. 'All men are created equal' does not mean that we are created equally wise, smart, wealthy, lucky or beautiful. It means that we are all equally in charge of our lives.

That's why the US Declaration of Independence could be used to criticize and reform the Constitution of the United States, which tolerated slavery. In the Declaration there was no tolerance of slavery, something Thomas Jefferson realized and over the implications of which he agonized even while engaging in the practice in his private life.

The US Declaration was not a political instrument, as the Constitution was and still is and wherein a lot of compromises were and are still being made with the principles of liberty. The Declaration articulated an unblemished vision of a free society.

It is to secure our unalienable rights to life, liberty and the pursuit of happiness, among others, that government — the agency that administers the law — is established within human communities. It is not established to do anything else — to manage a post office, build monuments, run AMTRAK, conduct AIDS prevention programs, maintain parks, forests and beaches or undertake the education of children. The government of a *bona fide* free society exists to secure the basic rights that all individuals have. That is, in part, because government makes use of force and violence and those may only be used defensively, while protecting one's rights.

The question can be asked, do people really have these rights? That's *the* controversial political question. Once we have correctly identified the rights it pretty much follows that the only time that someone may

use force, which is what the legal authorities — courts, police, military, bureaucracy — are professionally trained to do, is in defense of those rights. What if those rights are a fiction, a myth?

A lot of people maintain that the rights spoken of in the Declaration of Independence are contrivances. They argue that human beings do not really have such rights and that they were invented only because they serve certain special class interests. Indeed, almost all college professors construe basic individual rights to life, liberty and property as eighteenth-century myths thought up to serve certain special economic interests. Marxists, especially, think that but even those who are not Marxist have embraced this view. And they hold that in time we will see that these principles of liberty are obsolete, temporary fictions.

When you hear it said that for Cubans socialism may be a sound system, you are hearing political relativism. It says that for certain people, related to their special historical situation or particular economic or technological development, it is OK for some dictator like Fidel Castro to basically run their lives. They are not intelligent enough, or developed enough, or wise enough yet to be self-governed.

A lot of government officials at the 1996 Vienna Human Rights conference, from Africa and Asia, protested the United Nation's endorsement of the very idea of basic individual rights because, they said, that those ideas do not apply to their society. And there is widespread agreement with this idea on the part of many people in university philosophy, political science and history departments. Is there an answer to that? Well there is, at least the way that the classical liberal sees it.

There are certain things that stay stable or steady for human beings as long as there is a human race. As long as those in the fifth century BC were part of the human species — as were those in the nineteenth, are those in the twentieth or will be those in the twenty-third century — that fact of our mutual humanity will have certain ethical and political implications. So some principles of ethics and politics will be universalizable, apply throughout the human species, including that each individual is a sovereign about his or her life.

Of course, not all thinkers through all historical periods have stressed the importance of individual sovereignty. But this does not mean that individual sovereignty was not right back then or is unimportant, only that many thinkers paid little attention to it. There may be many reasons for that. For example, given that these thinkers were part of a class of people who benefitted from treating many others as if those others could be used against and not permitted to follow their own will, this is not surprising. Pointing out to the world that every individual is equally important is not always to one's vested interest.

But, given the fact of some permanent features of human nature, it is true, among other things, that no human being should be made to serve

the will of another human being against his or her choice. In other words, slavery, whether it is full-scale, partial, or even minimal, has always been, and will always be, wrong when it comes to human beings. It is no excuse that in the 1900s or in Athenian Greece science, economics, sociology or politics were different, so it was OK to have slaves. No, it was wrong then and it was wrong 150 years ago and will always be so, as long as those slaves are human beings or have the characteristics of human beings — free will and moral responsibility over their lives.³

That is the kind of universal position that the classical liberal embraces. Not that all principles are like that, so widely universalizable. For example, how you should dress or keep clean or even rear your kids will change, based on technological, agricultural and other developments. The answers to various particular, special questions are not the same as they were 200 or 3200 years ago. These answers depend a great deal on the vehicles we drive, the kind of dwellings in which we live. Given these changes, it would be silly to maintain that there is a fundamental principle concerning those details — how we should furnish our apartments. Those matters depend too much on what are variable aspects of human life. They include a great deal of what makes up various different and equally valid human cultures.

But there are basic principles to which people elude when they say that certain values or principles of conduct do not change. The reason why the classical liberal or libertarian thinks this is right is that human beings do remain fundamentally the same throughout all those technological and related changes. No matter what the changes, our humanity remains intact.

This is the implicit idea underlying all those human rights watch groups that go from country to country, examining whether institutions like slavery or torture exist. They don't care whether it's China or Burundi or the USA or Canada. These human rights watch groups consider certain practices and policies to be inexcusable because of our fundamental humanity.

Underlying the idea of these rights to life, liberty and the pursuit of happiness — or property — is the fact of our human nature. And this nature is understood as involving as a basic fact our creativity, our need to take initiative in life, and the corresponding moral responsibility we have for living our lives properly (whatever that comes to).

For us, unlike for the rest of the animal world, there are very few instincts on which we can rely to guide us in our lives. We must dis-

[3] For a detailed defense of free will, see Tibor R. Machan, *Initiative – Human Agency and Society* (Stanford, CA: Hoover Institution Press, 2000) and Edward Pols, *Acts of our Being: A reflection on agency and responsibility* (Amherst: University of Massachusetts Press, 1982).

cover how to live and flourish. That's why we need education — we are not born with sufficiently detailed genetically built-in programs that guide us through life the way in which geese, cats or even the higher mammals are who do the right thing nearly automatically. We must learn that we have very few built-in measures that sustain our lives. We have to learn everything — how to eat, talk, walk, drive and the many, many far more complex tasks that amount to living human lives.

Nearly everything we do to live reasonably successful lives has to be learned by us. So we either make good use of our minds or we don't. That's the point. Human beings have the capacity to get themselves going or to fail to do so. This is fundamental to them all. Unless they are thwarted in this task by governments, criminals or invading armies, they are free either to pay heed or not to. And the right condition for their human lives is when others do not prevent this for them. Nature isn't always so accommodating but other persons can and ought to be. It is right for us all not to be intruded upon in our efforts to think through the problems that face us and to reach solutions to those problems. It is only such a community of others that is suitable to us all, when we unite on a voluntary basis.

By no means does this mean that community life is alien to us, quite the contrary. People flourish best among other people. But only if these other people do not thwart their freedom. We not only have the right to but definitely should form clubs, churches, associations, corporations and thus embark on the solutions of all of our problems and the attainment of our aspirations in the company of other persons. But only if this does not involve coercion, compulsion, the violation of these other persons' sovereignty.

Conservatives like George Will and liberals (or as they are now often called, communitarians) unite against the classical liberal or libertarian, however, on grounds that his view of human beings is too narrow. Will joins Sandel, claiming that 'much damage is done when we define human beings not as social beings — not in terms of morally serious roles (citizen, marriage partner, parent, etc.) — but only with reference to the watery idea of a single, morally empty capacity of "choice". Politics becomes empty; citizenship, too.'⁴

But this is a bogus criticism, repeated since Hegel and Marx by all those who would forcibly twist the lives of people to a vision to which they have not given their consent. Of course, human beings are 'social beings.' But this does not mean what Marx meant by it, namely, that 'The human essence is the true collectivity of man.' Rather it means that human beings live and flourish most in the company of others. But this

[4] George Will, 'What Courts Are Teaching', *Newsweek*, December 7, 1998, p. 98.

is something they must do by choice when they reach maturity. For the social options available to them are numerous, some suitable, some not. And they are responsible for making the right choice about what kind of social unions they will partake in.

F.A. Hayek made this point as follows:

That freedom is the matrix required for the growth of moral values — indeed not merely one value among many but the source of all values — is almost self-evident. It is only where the individual has choice, and its inherent responsibility, that he has occasion to affirm existing values, to contribute to their further growth, and to earn moral merit.⁵

And Hayek also argues that

The growth of what we call civilization is due to this principle of a person's responsibility for his own actions and their consequences, and the freedom to pursue his own ends without having to obey the leader of the band to which he belongs.⁶

Yes, human beings are properly held responsible for assuming various social roles in life — in their marriages, families, polities, etc. — but this responsibility is empty if not chosen by them but imposed by the likes of Will and Sandel. What Will so cavalierly and callously regards a 'morally empty capacity of "choice"', is, in fact, the absolutely indispensable prerequisite of the moral life.

In all these matters we may or may not win the prize of success. There is no guarantee. That is one of the reasons that a classical liberal or libertarian proposes a non-utopian form of community. Such an arrangement does not promise to solve all of our problems. It rests on the recognition that free men and women might not solve their problems or might do so inadequately, incompletely. They may just decide to sit there and fiddle their thumbs and watch Jerry Springer all day long. There is plenty of evidence and common sense to support this view. There is no guarantee that people will do the right thing if they are free.

Yet, it is more likely that they will discover what the right thing to do is if they are free. More so than if they are regimented around by others who have their own lives to attend to and, in any case, ought to mind their own business.

When government tells us what the minimum wage ought to be, how to run our business, what requirements we should meet to become doc-

[5] F.A. Hayek, 'The Moral Element in Free Enterprise,' in Mark W. Hendrickson, ed., *The Morality of Capitalism* (Irvington-on-Hudson, NY: The Foundation for Economic Education, 1992), originally written for *The Freeman*, 1962.

[6] F.A. Hayek, 'Socialism and Science', in Chiaki Nishiyama and Kurt R. Leube, eds., *The Essence of Hayek* (Stanford, CA: Hoover Institution Press, 1984), p. 118.

tors, psychologist or chiropractors, government is addressing an area that we should address in our voluntary cooperative groups.

According to the classical liberal or libertarian, that's a default position for all public policy — to wit, whatever problems or disputes arise, such as cloning, drug abuse, mental health, contagious diseases or the like, need to be dealt with peacefully, without coercive means. This will promote *bona fide* self-government in human affairs.

There are numerous issues not covered by libertarianism and left for other fields than politics to address. But there is at least one point implied by libertarianism for all areas of social life: Coercion is not suited for any of it.

You have to fill in a lot of details in order to learn the implications of the fundamental principles of physics for dealing with a particular area of the physical world. Similarly, in politics the basic principles do not tell us everything. They provide a basic framework within which we are required to solve our problems. That means that if we are going to solve problems in society, the only thing that is utterly forbidden is for me to violate your right life, liberty and property.

Within that broad framework I can consult with you, we can get together and find all sorts of solutions from biology, chemistry, zoology and physics in order to solve our problems. We may never, however, use coercion, the violation of basic individual rights.

Only within a framework of voluntary association may human problems be addressed by us, according to classical liberal or libertarian political philosophy. Once you adhere to that, there is, of course, still a whole lot of work to be done so as to flourish in life. Because simply being free of the intrusions of others is not enough to live right — it is just a precondition. You have to do useful, productive, creative, imaginative and other proper things with your freedom.

The classical liberal or libertarian, as such, does not have an answer as to how to solve all human problems. We have all the special disciplines and professions for that. The classical liberal or libertarian has answers to our political question: How should we treat each other in a community? With full, uncompromising respect for one another's rights. No violation of those rights is permitted. That prominent and widely championed objective of economic equality — actually equality with respect to most matters of value to people — is not one that suffices to trump the right to individual liberty, including the liberty to obtain and keep valuable stuff. For one, such equality is not attainable — those imposing it as it must be imposed, by force, will never be equal to those on whom it is imposed. But even when attainable, it is worthless if obtained via the violation of individual rights.

This should provide some idea as to what libertarianism amounts to and why it makes sense to many people.