

New-Paradigm Libertarianism: a Very Brief Explanation¹

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The Philosophical Problem

Mainstream private-property libertarianism—in its various forms—is severely philosophically confused. It conflates conceptions or theories of rights, consequences, property, and supporting ‘justifications’. And this is all without any theory of liberty (an eleutherology), which is as absurd as if utilitarianism were to have no theory of utility.

The New-Paradigm Libertarian Solution

Applying critical-rationalist epistemology. As Karl Popper (1902-1994) explained, there are no supporting ‘justifications’ of any empirical theories (because they have infinite implications, which finite and theory-laden evidence can test but not support) or any propositions (because arguments entail infinite regresses, or circularities, or dogmatic/‘axiomatic’ starting assumptions). There are only conjectures, or assumptions, testable within frameworks of conjectures. Hence libertarianism, like all theories, is unjustifiable. However, it can still be conjecturally explained and defended—philosophically and social scientifically—in terms of theory, practice, and morals.

Not choosing between libertarian rights and welfare consequences (or any of the other usual candidates). These two main moral and practical desirables have no systematic theoretical or practical clashes (this is the implicit ‘classical-liberal compatibilist thesis’). This can be explained and defended by philosophy and by the social sciences, especially economics’ analysis of free-market efficiency. However, the libertarian conjecture needs to be explained and defended in terms of all defensible desirables. (A perceived ‘successful’ conjectural explanation and defence is still not a—logically impossible—supporting ‘justification’; it is merely seen as ‘squared with’ known criticisms so far.)

An explicit, non-moral, non-propertarian, abstract, theory of interpersonal liberty. People not initiating constraints on each other’s preference-satisfactions: ‘The absence of proactively imposed interpersonal costs’. After explaining and defending this theory of liberty it can be applied to contingent circumstances to deduce all the broad, practical, positive rules of having maximum interpersonal liberty, which rules can only then—for greater efficiency—be instituted as property: self-ownership, physical property, intellectual property, minimising clashes of liberty, rectifications of infractions, etc. An abstract theory of interpersonal liberty is needed at the centre of the libertarian conjecture.

The Procedural Implications

Consequently, it is necessary for comprehensive and coherent private-property libertarian theories to always be mindful of the following distinctions and to proceed as follows:

1) Conjecturally explain and defend a non-moral, non-propertarian, *abstract* theory of interpersonal liberty as capturing the relevant concept.

¹ For further explanation see the relevant publications of J. C. Lester since 1991: <https://lse.academia.edu/JLester>.

2) Conjecturally explain and defend what rules are *positively* entailed by applying this theory to normal contingent circumstances (e.g., each person has ultimate control of the body that he, more or less, is). Entailed positive rules can then be instituted as *property* (e.g., self-ownership).

3) Conjecturally explain and defend 1 and 2 *normatively*: in terms of morals, rights, values, justice, desirability, etc.

Select bibliography

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