Eleutherological-Conjecturalist Libertarianism: a One-Page Explanatory Guide[1]

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The philosophical problem

The key libertarian insight is that private property both protects people and their projects and promotes productivity. But orthodox private-property libertarianism is severely philosophically confused. It conflates theories of rights, property, consequences, and 'justifications'. And this is all done without an explicit abstract theory of interpersonal liberty: an eleutherology. This is as absurd as if utilitarianism were to have no theory of utility.

The eleutherological-conjecturalist solution

Critical-rationalist epistemology and its application

As Karl Popper (1902-1994) explained, there are no supporting 'justifications'. Empirical theories have infinite implications, which finite and theory-laden evidence logically cannot support but it can test: a counterexample, if true, logically refutes a theory (but all within the realm of provisional conjecture). So-called 'supporting arguments' face a trilemma: infinite regresses, or circularities, or dogmatic ('axiomatic') starting assumptions (arguments are really conjectural explanations). Hence libertarianism, like all theories, is unjustifiable. However, it can still be conjecturally explained and defended[2] (and criticised and tested)—philosophically and social scientifically—in terms of theory, practice, and morals (three quite different things).

An abstract (not moral or propertarian) theory of interpersonal liberty and what it entails
Five stages can be distinguished (but not explained and defended in any detail here):

1) *Abstract theory*. Interpersonal liberty in itself: the absence of initiated interpersonal constraints on want/preference-satisfactions (for short, no proactive impositions [of costs]).

2) *Optimisation policy*. If liberties clash, minimise impositions; if liberties are threatened, defences must not impose by 'overkill'; if liberties are violated, fully rectify—nothing more.

3) *Hypothetical implications*. The theory and policy can be applied to realistic state-of-nature circumstances to deduce the principal, prima facie, positive implications: ultimate control of one's body (which one more or less is); ultimate control of unused resources by starting to use them; and consensual interactions and exchanges otherwise. This is 'rule libertarianism' (also rule preference-utilitarianism, assuming the classical-liberal compatibility theory). Breaking these rules infringes liberty, prima facie (but problem cases require the theory and policy).

4) *Private Property*. For enhanced liberty, all the positive implications may be instituted as enforceable private-property: self-ownership, physical and intellectual property, contract, etc.

5) *Moral defences*. The positive stages are independently explicable and defensible morally.

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[1] A clearer page: https://philpapers.org/rec/LESTAL. And see essays and publications here: https://philpapers.org/profile/409254, especially https://philpapers.org/rec/LESQCL.
[2] I.e., libertarianism can provisionally be squared (or 'justified': a non-foundationalist homonym) with all currently known tests and criticisms.