

Libertarianism: an Extremely Short Introduction

J C Lester

(Revised October 2017. An earlier version of this text is a chapter in Lester 2016.)

This is only one view on the topic; other views may be rather different. It starts at the more philosophical end and then becomes more empirical, and possibly easier to understand, as it proceeds.

The fundamental libertarian insight

Private-property rights (non-impositionally acquired, held, and transferred) strongly tend to internalise externalities (i.e., each owner both receives any benefits and bears any costs his property produces). As a consequence, such property rights seem to promote two very important things at once: interpersonal liberty (people not constraining, or imposing on, each other); and economic efficiency (maximal productivity; which strongly tends to be for the common good). Whatever the various ‘official’ libertarian theories (some emphasise one aspect and some the other; unnecessarily, as we shall see), this seems to be the fundamental insight—or, at least, presupposition—that is behind them.

There is a radical large-scale consequence of this outlook. Suppose that we were not to have the innumerable illiberal (i.e., unlibertarian) and uneconomic state interventions (which in the UK now include government spending often approaching half of the gross domestic product every year¹). In that case, the ever-compounding improvements in human circumstances would—within a few generations—make present times seem like a dark age of poverty, barbarism, and disease (rather as, after the Korean war [1950-53], South Korea’s relatively laissez-faire policy made it go from a peasant economy to one of the highest per capita income countries in only two generations²). Therefore, as a species, applying libertarianism is more important than anything else—except avoiding an existential catastrophe, such as a major asteroid strike on the planet (but a libertarian society’s greater and more heterogeneous resources would still help better with that).

Mainstream libertarianism’s philosophical confusion

‘Libertarianism’ is the modern term for the subset of classical liberalism that somewhat more clearly and consistently advocates human liberty (hence the name). This is interpreted as entailing tolerance of all purely personal behaviour (for adults, at least) and free markets with a minimal state (minarchy) or none at all (private-property anarchy). Mainstream libertarianism is fairly coherent and cogent when explaining and defending superficial aspects of personal and property issues, especially the economics involved. However, it is

¹ “Government spending has amounted to 44 percent of total output (GDP) over the past three years” <http://www.heritage.org/index/country/unitedkingdom> (accessed 30-10-17).

² At the same time North Korea had extreme state intervention that made life worse than peasant life: with political executions, prison camps, and a terrible famine (1994-98) with reports of cannibalism

(https://www.washingtonpost.com/news/worldviews/wp/2013/02/05/the-cannibals-of-north-korea/?utm_term=.ac811a7438f1).

ultimately profoundly philosophically confused: it conflates various deontological rights, good consequences, property rules, and so-called ‘supporting justifications’; whilst being unaware of the fact that it has no explicit theory of liberty to explain any of this. Critics often point out aspects of this philosophical confusion. Some self-described ‘libertarians’ sport the fashionable name but abandon actual libertarianism because of the incoherence.

In fact, most libertarians do not have much—if anything—to say about liberty itself. However, it is impossible to explain (without circularity) how some types of activity, or property, or rights are compatible with interpersonal liberty—while others are not—without having an abstract theory of such liberty that is independent of any activity, or property, or rights. Hardly any libertarians have a theory of liberty (an eleutherology). This is as absurd and ironic as if hardly any utilitarians were to have a theory of what utility is.

New-Paradigm Libertarianism’s three-part solution

1) *Applying critical-rationalist epistemology.* There are no ‘supporting justifications’ of empirical theories: they have infinite implications which finite theory-laden evidence cannot support, only test. Neither are there any ‘supporting justifications’ of any propositions: arguments entail an infinite regress, or circularity, or dogmatic (‘axiomatic’) starting assumptions. There are only conjectures, or assumptions, testable within frameworks of conjectures. Hence libertarianism is unjustifiable. But it can still be conjecturally *explained* and *defended*, both philosophically and social scientifically.

2) *Not choosing between libertarian rights and welfare consequences (or any of the other usual candidates).* The two main moral and practical desirables—libertarian rights and welfare consequences—have no systematic theoretical or practical clashes. This can be explained and defended by philosophy and the social sciences, especially economics’ analysis of free-market efficiency. And no particular approach is needed to, or logically could, ‘support’ the libertarian conjecture in any case. Rather, the libertarian conjecture needs to be explained and defended in terms of all defensible desirables.

3) *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 costs’. After explaining and defending this theory of interpersonal liberty (which won’t be done here) it can be applied to contingent circumstances to deduce all the broad practical implications (which won’t be done here) of having maximum interpersonal liberty: self-ownership, physical property, intellectual property, private-property anarchy, minimising clashes of liberty, rectifications of infractions, etc.

Is there tacit consent to the state?

Do we tacitly consent to taxation and legislation by living in a country and participating in democracy? No. By analogy—if it is only an analogy—we do not consent to crime just because we live in an area where crime is known to exist. And we do not, in fact, have democracy but *elected oligarchy*: calling that ‘representative democracy’ is somewhat like calling slavery ‘representative self-ownership’; it is sophistry intended to legitimise the oligarchy. If we attempt to minimise any damage that our rulers do by voting for the least bad candidate, then that is not to consent to the damage the state causes. Admittedly, the state does rest on majority acceptance that it is needed. But this popular error cannot make state aggression either libertarian or legitimate.

Is the state useful, nevertheless?

No. The state provides nothing useful that liberty cannot provide better. The free market uses the price system to guide scarce resources into their most productive uses. Where people think that help is needed, charity is more efficient and libertarian than state hand-outs. By contrast, political intervention will inevitably be arbitrary and illiberal. It is arbitrary because the state has no economic way of determining what to do, how to do it, or how much to do it. It is illiberal because it will necessarily aggressively interfere with people and their property. Thus politics is always a negative-sum system that is destructive of wealth and liberty.

What about social justice?

If ‘social justice’ means not having damaging and unnecessary social differences in society, then only free-market liberty gives us this. For instance, the state often uses aggressive coercion to impose some greater material equality and to prohibit discrimination with respect to a person’s race, sex, sexual orientation, etc. But the free market itself promotes both of these insofar as they are economic. Competition causes differences in income and profit to be reduced. Any remaining differences are necessary to reward the greater productivity that still exists. And businesses do not discriminate on an arbitrary basis concerning employees or customers, or they would be out-competed by those that don’t. Imposing greater equality and non-discrimination than liberty allows is both unjust and inefficient.

Is class conflict a problem?

People sometimes complain that the ‘class system’ is unjust (possibly conflating it with the, predominantly, caste system of aristocracy). But insofar as individuals and families can achieve varying degrees of socio-economic success under conditions of liberty, such ‘class’ is what encourages and enables people to be socially productive. However, there is a genuine problem of classical-liberal class conflict. There is the class of those people who are (net) tax-and-privilege receivers. They live off the class of those people who are (net) tax-and-privilege victims. The tax-and-privilege-receiving class needs to be abolished so that those people find productive employment in the free market.

Education

Before the start of major state involvement in education (the Elementary Education Act of 1870), basic literacy in the UK was already over 90% (see especially E. G. West’s books and articles on this). These days functional illiteracy exceeds 40% for school-leavers.³ At the same time, the state-system manipulates examination results to present educational standards as almost always rising. Educational standards will genuinely rise again if the state simply gets out of the way at all levels. That said, a lot of education is mainly a consumer good that is wrongly presented as investment in human capital. And the state’s attempt to increase paper qualifications of all kinds adds to bureaucratic waste.

It is a particularly acute problem for liberty that the state uses aggressive coercion to monopolise the university-and-degree system *and* to fund it. This gives most professional intellectuals privileged status and income, thereby creating a powerful pro-state bias.

³ https://en.wikipedia.org/wiki/Functional_illiteracy (accessed 30-10-17).

Removing the state from higher education would fix this. It would also dramatically reduce average student fees; a vote-winner, as students and their parents far outnumber socially-parasitic academics.

Infrastructure

People often say the free market cannot provide infrastructure (roads, railways, water and sewage, power supplies, etc.) efficiently, or even at all. But increasingly these are understood as all being capable of efficient private production. When roads, for instance, are private (as they sometimes are now and were in the past) then tolls can ensure that only the users pay for them; with electronic charging and price-variation to regulate congestion. And competing rules and technologies can reveal how to reduce the traffic-related, death-and-accident rate. For many years lighthouses were held to be the archetypal, non-excludable, public goods that the state had to produce. We now know that even private lighthouses were historically operational.⁴

Healthcare

“On July 5 1948 the National Health Service took control of 480,000 hospital beds in England and Wales.”⁵ Today, with a much larger population and proportionally more money, there are only around 142,000 beds in the whole NHS.⁶ Compared to the opportunity cost (the best forgone alternative), the NHS is a bottomless pit of waste and poor healthcare that only becomes worse the more tax-money and reorganisation that it receives. A move towards full private insurance and free-market provision would greatly improve healthcare. The state’s coercive regulation of medical qualifications, drugs, and medical trials are further serious barriers to competition that keep down health standards.

Welfare payments

Before the state implemented so-called ‘National Insurance’ funded by compulsory “contributions” (in effect a tax on jobs; with none of the money being invested), people were already opting for a variety of genuine welfare-insurance schemes. The state crowded out those private schemes with its own wasteful version. We should return to the voluntary schemes as soon as possible. The tiny percentage of people who would have no insurance or savings and are perceived to be in genuine need would be far better helped by charity.

Drug use

States sometimes pick on some voluntary and consensual activities and declare them to be ‘crimes’. The major example of our times is recreational drug use. We are told that people suffer ill health and even die from using certain drugs. There are also the harmful effects on others of drug-user crime and associated gangsterism. But the usage dangers are grossly exaggerated. Drinking alcohol, smoking tobacco, and other legal activities—such as some sports—are, statistically, more damaging to health. Many long-term, illegal-drug users remain in as good health as comparable non-users. To the extent that they do not, this is

⁴ See the various articles on lighthouses by William Barnett and Walter Block.

⁵ <https://www.nursingtimes.net/the-birth-of-the-nhs-july-5th-1948/441954.article> (accessed 29-10-17).

⁶ <https://www.kingsfund.org.uk/blog/2017/09/hospital-bed-numbers> (accessed 30-10-17).

partly because of the unreliable quality of the drugs caused by the illegality itself. The illegality also reduces the supply of the drugs and so raises their price. And this is what prompts some users to commit crimes to pay for them and attracts sellers who can only operate outside state law.

Environmental problems

All aspects of pollution and species endangerment can be solved if there are full private-property rights in all land, seas, and oceans (somehow demarcated and policed) and animals (including whales and other charismatic megafauna; with electronic tagging and GPS tracking). This gives the owners the incentive and ability to look after their resources and allows other people to sue them (possibly via a class action) if they are responsible for negative externalities. If we want to see how far, if at all, global warming (or climate change) is real, and anthropogenic, and a bad thing on balance, and economically better addressed sooner rather than later, and better dealt with by restrictions rather than technology, and who the perpetrators are, and to what extent, then this needs to be tested in the courts with legal and scientific representation and evidence on both sides. The current ham-fisted politicisation of this issue cannot be an efficient way to approach it.

Law and order

‘Anarchy’ means without rulers (it is ‘anomie’ that means without rules or laws). Common law that protects people and their property originally evolved without the state. It is a form of natural, or anarchic, law in the same sense that there are natural languages. State legislation often flouts that law and thereby the liberty it protects. If we include all the security guards, store detectives, night watchmen, doormen, and so forth, then state police have always been a minority of overall policing. And state police are a tax-parasitic minority that aggress against liberty more than they protect it. A move towards depoliticised law and full private policing would give us the law and order that we significantly lack today.

National defence

‘National defence’ literally means defending the people of a country. This rarely, if ever, happens. At best, political ‘national defence’ is more about defending an existing state from a competing state that is hardly any worse, if worse at all, and certainly not worth the death and destruction caused by defending it. But many wars are aggressive attacks on other countries on one pretext or other. The result is invariably to make things worse than if the attacks had not taken place. This not only applies to recent invasions of other countries but even more so to becoming unnecessarily involved in the conflicts leading up to and including World Wars I and II. A voluntarily funded national defence would stick to real national defence. And as we have seen in Vietnam and, repeatedly, in Afghanistan, a country with polycentric and grassroots resistance can be impossible to conquer and rule even by a vastly superior power. The state, by contrast, is an Achilles’ heel of centralised control.

The way forward

The state, then, is really a giant criminal organisation. Its taxation is extortion and its legislation is aggressive coercion. And it hugely impedes all desirable progress. But if we can persuade enough people to see that liberty is the most important social value and that the state is liberty’s greatest enemy, then eventually the state can be rolled back. It is true that there

has never been a large society without a state of some sort. There has never been one without disease either. But both the state and disease are evils that ought to be resisted and reduced as far as possible.

Select bibliography

- Lester, J. C. [2000] 2012. *Escape from Leviathan: Libertarianism without Justificationism*. Buckingham: The University of Buckingham Press.
- . [2011] 2016. *Arguments for Liberty: a Libertarian Miscellany*. 2nd ed. Buckingham: The University of Buckingham Press.
- . 2014. *Explaining Libertarianism: Some Philosophical Arguments*. Buckingham: The University of Buckingham Press.
- . 2017. *Two Dialogues: Introductions to Philosophy and Libertarianism*. Buckingham: The University of Buckingham Press.