

## Explaining the First Thing about Libertarianism

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*Escape from Leviathan*<sup>1</sup> (*EfL*) is a first attempt at explaining a somewhat complex philosophical theory of libertarianism. The theory is far from being as clear as it has subsequently become possible to make it.<sup>2</sup> Consequently, most reviews have misunderstood it to varying degrees. What is striking is the great confidence with which some of these reviews assume they have completely understood it and refuted it. This is odd because it does not seem entirely reasonable to suppose that *EfL*'s errors are quite as obvious and naïve as the reviews often assume. And only a slightly more careful reading of the text might have disabused them of their misapprehensions. With the article about to be discussed, we have another clear example of this phenomenon. But what is particularly interesting about it is that it does not itself fully understand the basic conception of liberty that most libertarians assume. And as this is, strangely, not that uncommon even among libertarian philosophers, it is certainly worth responding to as clearly as possible.

This essay, then, is a response to an article<sup>3</sup> (the reply) that discusses the “nature of liberty” as it is theorised in *EfL* versus how that article prefers to explain it. The reply offers criticism from a point of view that may be called ‘the zero-sum conception of social liberty’: where conflicting actions or outcomes, etc., are possible, whatever one person has the liberty to do or have, etc., is exactly matched by the lack of liberty of other people. This is more or less a Hobbesian conception of liberty instead of a Lockean conception. Therefore, a potential murder-victim restricts the liberty of the would-be murderer merely by exercising his liberty to run away from him in self-defence. And so we have to decide which liberty is to be preferred; thereby making morals or values necessary to solve this problem. For a self-described ‘libertarian’ text to assume this view is for it to fail to understand both the first thing about libertarianism, or classical liberalism generally, and the probable illiberal consequences of its proffered alternative. It should be noted immediately that libertarian holders of this view often understand the second to the myriadth thing about libertarianism. So, why do they take the position that they do? Perhaps they see the theoretical problems with Lockean liberty (e.g., how can liberty itself imply certain types of property and rule out others?) while Hobbesian liberty seems to be both common sense and very clear.

What is said about Rawls’s theory in the preamble seems roughly right (at least, after correcting for the apparent confusions over ‘A’ and ‘B’ countries and equality/inequality). When the reply arrives at *EfL*'s conception of liberty it is far less precise than it needs to be. *EfL*'s position is expressed approximately along the lines that, as the reply puts it, “minimising costs *is* libertarianism; that liberty is an absence of imposed costs, and so maximising liberty is minimising costs”. To be more exact, however, *EfL*'s position is about “*initiated*” imposed costs (which word does appear in the very first quotation of *EfL* in the reply). The initiated aspect is crucial and makes things much clearer, as we shall see.

The reply heartily endorses the first sentence of the chapter on liberty: “The classical liberal, libertarian, and principal commonsense conception of interpersonal liberty is of people not having constraints imposed upon them by other people” (and quotes it four times in all). It can endorse this sentence precisely because it omits to mention the “initiated” aspect of those imposed constraints (mentioned in the, also quoted, second sentence of that chapter). Had the zero-sum alternative been considered at the time of writing the first sentence, the missing word might have been explicitly included rather than merely expected to be understood (at least, after reading the second sentence). For the first thing to understand about libertarianism is that it is about some sense of people not *initiating* unwanted constraints on each other. To *react* to an initiated unwanted constraint—e.g., in order to prevent it or rectify it—is not itself to initiate an unwanted constraint.

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<sup>1</sup> Lester, J. C. *Escape from Leviathan: Libertarianism Without Justificationism* (Buckingham: The University of Buckingham Press, [2000] 2012).

<sup>2</sup> For a more recent and clearer explanation see Lester, J. C. 2022. “Eleutheric-Conjectural Libertarianism: a Concise Philosophical Explanation”, PhilPapers (<https://philpapers.org/rec/INDNLA>).

<sup>3</sup> Garner, Richard. 2006. “*Escape from Leviathan* and the Nature of Liberty” (<https://richardgarnerlib.blogspot.com/search?q=Escape+from+leviathan>).

The reply goes on to ask, “But what does this have to do with costs? Why is ‘not having a subjective cost [initiatedly] imposed on you’ the same as not being [illiberally] constrained?” This requires a two-part answer. First, there is an abstract and falsifiable theory (not definition) of interpersonal liberty in *EfL*. But that one abstract theory of liberty is expressed in two different ways that are explained to be equivalent (although a sound criticism could fault that explanation). To paraphrase *EfL* slightly, these equivalent expressions are as follows: ‘the absence of initiated interpersonal constraints on want-satisfaction’ and ‘no initiated imposed costs’. The latter formulation is partly for useful brevity but also because it helps to relate the theory of liberty to economics in various ways and to the preference-utilitarian conception of *welfare* (not to the moral theory).

The reply does not accept, or maybe does not understand, this equivalence as it is briefly explained in *EfL* (pp. 58-59). Instead, it argues that,

I can have costs place[d] on me without there being constraints placed on me. For instance, if I am deeply opposed to the colour blue, and you come along wearing a blue shirt, then I have had a cost imposed on me. But [i]n what way have I had a constraint imposed on me?

This is taking the words out of their theoretical context and thereby misunderstanding the relevant categories of “cost” and “constraint”. As we have now seen, a *cost* that is initiatedly imposed on you is thereby—as an explained equivalent—an initiated *constraint* on your want-satisfaction. It ought also to be noted in passing that there is a distinction between pre-propertarian (act libertarianism) and propertarian (rule libertarianism) applications of *EfL*’s theory of liberty. However, we can probably best assume here that we have passed the stage of deriving self-ownership and private property from applying liberty. Consequently, if the owner of the property in question allows blue shirts, then you chose to accept that dread possibility when you entered his property. You have had no cost *initiatedly* imposed on you when a blue shirt hoves into view. This is despite the fact that the blue shirt is indeed a cost, as opposed to a benefit, to you. Not all costs are initiated imposed costs.

The reply continues:

Likewise, I can have constraints imposed upon me without having costs imposed on me. For instance, suppose that I am sitting in a room I have no intention of leaving, and, unbeknownst to me, someone comes along and locks the door, and then opens it an hour later. During that time, I was constrained to stay in that room (assume it had no other exit), prevented and unfree to leave it. This fact imposed no cost on me, though.

Assume you would have objected to being locked in (probably because you would have wished to be able to leave if you were to have so chosen, such as in the event of some emergency). Assume also that there is no true libertarian explanation for the person choosing to lock you in (e.g., it is somehow to prevent a likely initiated imposition by you, or it is to rectify for a past one by you). Then, to be locked into the room is an *initiated* constraint on your want-satisfaction. But this is also, by the explained equivalence, an *initiated* imposed cost. Similarly, someone both *initiates constraints on your want-satisfaction* and thereby *initiatedly imposes costs on you* if he covertly borrows money from your wallet but returns it before you require it, or if he borrows batteries from your smoke alarm but returns them—without using them—before there is any fire in your house. In each of these three cases, the initiated constraint on your want-satisfaction (or the initiated imposed cost) is a risk at your expense that you did not consent to and would have rejected if asked.<sup>4</sup>

Therefore, contra what the reply concludes, initiated imposed costs (in the sense theoretically explained) are necessary and sufficient features of illiberal constraints. Of course, most people will not recognise or understand this abstract formulation as their sense; but it is entailed by their general conception. Steiner, Spencer, and Tucker also require this conception. Being in the muddled minority of zero-summers, like the reply, they have not understood that being against *initiated* constraints on want-satisfaction (or *initiated* imposed costs) just is the abstract interpersonal conception of liberty.

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<sup>4</sup> Thus, your ‘wants’ (or preferences) need not be explicit and conscious. Someone need not be thinking “I want not to be shot” for a sudden shooting of him to count as flouting what he wants to be done to him. Similarly, we may speak of what someone ‘believes’ although he is not explicitly and consciously believing it at that very moment.

So, in response to the reply's three concluding points:

1. It is, by *EfL*'s equivalence-explanation, *not* possible to initiate constraints on want-satisfaction without also initiating imposed costs; and *vice versa*. Therefore, "liberty is the absence of [initiated] imposed cost" and "[maximally] observing liberty entails minimizing [initiated] imposed costs" do work as formulations of "The classical liberal, libertarian, and principal commonsense conception of interpersonal liberty [as] people not having [initiated] constraints imposed upon them by other people".

2. *EfL* does not assert that libertarians and classical liberals *explicitly* "think of liberty in terms of an absence of [initiated] imposed costs, and think of maximising liberty as minimising initiated imposed costs". The assertion is that this theory is an explicit version of the tacit conception that is presupposed or entailed by libertarianism.

3. The zero-sum view is not "closer to" but, rather, inconsistent with the "absence of [initiated] constraints [on want-satisfaction] imposed by other people".

If one embraces zero-sum liberty instead, it can only set up conflicts among people. The reply's appeal to contractarianism is unlikely to get us out of this. For one thing, contractarianism apparently entails that one can do anything to people as long as they would 'theoretically' (probably depending on who is theorising) contract into that possibility. But the main problem is that whatever things the state coerces people into accepting, they are *conceptually* disallowed from complaining that these are real restrictions on overall interpersonal liberty. For all social rules—whatever they are—must *allow* exactly as much zero-sum liberty as they *limit* it. There is no line that it is inherently 'unlibertarian' to cross. Thus, this zero-sum 'liberty' is a gift to statist. Such things as promoting welfare must be debated instead. Although libertarians typically think we win on those grounds as well, it does not help our case if we are conceptually disallowed from using the crucial and basic liberal idea of liberty as not having to suffer *initiated* constraints by other people, and argue that flouting just such liberty is overwhelmingly what destroys welfare. With the zero-sum view, 'liberty' is a vacuity that can play no role at all in determining and stating what is 'libertarian'.

Consider what the reply finally says:

It may be, for instance, that there is a particular distribution, or original distribution, of freedom that it would be rational for everybody to agree to. That would be a contractarian method of distributing freedom.

Because it is zero-sum here, the word "freedom" *qua* freedom has no substantive content whatsoever. It could more naturally and informatively be replaced by 'resources', or 'valuable opportunities', or even 'utility', or whatever else takes one's fancy. Of course, zero-summers want the sorts of outcomes that are normally understood as being 'libertarian'. But by replacing a substantive Lockean conception of liberty with a vacuous Hobbesian conception they are, unwittingly, philosophically undermining the very outcomes they seek to promote.

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