

# 1

## WHY BE LIBERTARIAN?

*By Tom G. Palmer*

*In a book titled Why Liberty, it makes sense to dive right in with a straightforward explanation of what libertarianism is about and why people should embrace liberty as a principle of social order.*

As you go through life, chances are almost 100 percent that you act like a libertarian. You might ask what it means to “act like a libertarian.” It’s not that complicated. You don’t hit other people when their behavior displeases you. You don’t take their stuff. You don’t lie to them to trick them into letting you take their stuff, or defraud them, or knowingly give them directions that cause them to drive off a bridge. You’re just not that kind of person.

You respect other people. You respect their rights. You might sometimes feel like smacking someone in the face for saying something really offensive, but your better judgment prevails and you walk away, or answer words with words. You’re a civilized person.

Congratulations. You’ve internalized the basic principles of libertarianism. You live your life and exercise your own freedom with respect for the freedom and rights of others. You behave as a libertarian.

Libertarians believe in the voluntary principle, rather than force. And more than likely, you do follow that principle in your everyday dealings with other people.

But hold on, isn’t libertarianism a *political philosophy*, a set

of ideas about government and policy? It is. So why isn't it rooted in what *government* should be doing, rather than in what individuals should be doing? Ah, here's the major difference between libertarianism and other ideas about politics. Libertarians don't believe that government is magical. It's made up of people. They're just like us. There's no special race of people—call them kings, emperors, wizards, Magi, presidents, legislators, or prime ministers—with super-normal intelligence, wisdom, or powers that elevate them above normal people. Rulers, even when democratically elected, are no more “public spirited,” and sometimes far less, than average people. There's no evidence that they're any less selfish than other people or any more benevolent. And there's no evidence that they're more concerned with right or wrong than average people. They're like us.

But hold on again, political rulers *do* exercise powers that other people don't have. They exercise the powers to arrest people, to start wars and kill people, to decree what other people may or may not read, whether and how they may worship God, whom they may marry, what they may or may not eat, drink, or smoke, what they may or may not do for a living, where they may live, where they must attend school, whether they may travel, what goods and services they may provide to others and what prices they may charge, and a lot more. They certainly exercise powers the rest of us don't have.

Precisely. They wield force, and they do it as a matter of course—it's what distinguishes government from other institutions. But they have powers of perception, insight, or foresight no greater than the rest of us, nor standards of right and wrong that are higher or more rigorous than the average. Some may be smarter than average, others perhaps even less intelligent, but there's no evidence that they really exceed the rest of humanity in such a way that they should be considered elevated above us, as our natural masters.

Why do they exercise force, while the rest of us rely on

voluntary persuasion when we deal with others? The holders of political power aren't angels or gods, so why do they claim the authority to exercise powers that none among us would claim the right to exercise? Why should we submit to their exercise of force? If I have no authority to burst into your home to tell you what you should eat, or what you should smoke, or when you should go to bed, or with whom, why should a politician, or a bureaucrat, or an army general, or a king, or a governor have that authority?

### **Did We Consent to Be Coerced?**

But wait, we *are* the government, aren't we? At least, in a democracy, as some clever philosophers, such as Jean-Jacques Rousseau, have argued, we consent to whatever the government tells us to do or not to do. The government carries out the "general will" of the people and that means that it's exercising our very own will. So when the government uses force against us, it's just forcing us to be free, by making us follow our own wills, and not what we happen to think we will. As Rousseau argued in his extraordinarily influential book *The Social Contract*, "the general will is always rightful and tends to the public good; but it does not follow that the deliberations of the people are always equally right. . . . There is often a great difference between the will of all [what all individuals want] and the general will."<sup>1</sup>

In his theory, Rousseau combined force with freedom, for, as he argued, "whoever refuses to obey the general will shall be constrained to do so by the whole body, which means nothing other than that he shall be forced to be free."<sup>2</sup> After all, you don't know what you *really* want until the state has decided what you want, so when you *think* you want to do something, but are stopped by the police and imprisoned, you're being made free. You were deluded into thinking you wanted to disobey the state, and the police are merely helping you to choose what you really wanted, but were too stupid, ignorant, foolish, or weak to know that you wanted.

Now that may be getting overly metaphysical, so let's dial back a bit and think about what is being argued by advocates of majority rule. Somehow, through elections or some other procedures, we generate the "will of the people," even though some of the people may not agree (at least the ones who lost the vote didn't agree with the majority). Those people will be coerced to go along with the majority, say, by not consuming alcohol or marijuana or by being made to give up their money to pay for things they oppose, such as foreign wars or subsidies to influential economic interests. A majority voted for the law banning X or requiring Y, or for candidates who pledged to ban X or require Y, and so now we know the "will of the people." And if someone still drinks a beer or smokes a joint or hides his or her income, that person is somehow not following the will of the people, to which he or she has consented. Let's unpack that a bit more.

Let's say a prohibitionist law was passed into effect and you had voted for the prohibitionist law or candidate. Some would say that you consented to be bound by the outcome. And if you voted against the prohibitionist law or for an antiprohibitionist candidate? Well, they would add, you participated in the procedure by which the decision was made, so you consented to be bound by the outcome. And if you didn't vote, or didn't even have an opinion? Well, they would add, you surely can't complain now, since you forfeited your chance to influence the outcome by not voting! As the English libertarian Herbert Spencer observed a long time ago of such arguments, "curiously enough, it seems that he gave his consent in whatever way he acted—whether he said yes, whether he said no, or whether he remained neuter! A rather awkward doctrine this."<sup>3</sup> Awkward, indeed. If you always "consent," regardless of what you actually say or do, then the term "consent" means nothing, because it means "non-consent," as well as "consent." When that is the case, a word has been emptied of meaning.

The fact is that a person who's arrested for smoking

marijuana in his or her own house didn't in any meaningful sense "consent" to being arrested. That's why the police carry sticks and guns—to threaten people with violence.

But maybe those powers are delegated to the government by the people, so if the people could choose not to smoke marijuana, then they could choose to arrest themselves. But if you don't have the authority to break down your neighbor's door and go in with guns drawn to drag them out and put them in a cage, how can you delegate that power to someone else? So we're back with the magical claim that your pot-smoking neighbors authorized their own arrest, regardless of what opinion they expressed, or how they behaved.

But maybe just being alive in a country means you've consented to everything the government demands of you. After all, if you come into my house, you certainly agree to be bound by my rules. But a "country" isn't quite like "my house." I own my house, but I don't "own" my country. It's made up of a lot of people who have their own ideas about how to live their lives. And they don't belong to me. That's really the most important realization of mature people: *other people don't belong to me*. They have their own lives to lead. You, as a mature person, understand that and your actions reflect it. You don't burst into the homes of others to tell them how to live. You don't steal their stuff when you think you have a better use for it. You don't hit, punch, stab, or shoot people when they disagree with you, even about matters of the greatest importance.

So, if you already *act like* a libertarian, maybe you should *be* one.

### **What Does It Mean to *Be* a Libertarian?**

It means not only refraining from harming the rights of other people, namely, respecting the rules of justice with regards to other people, but also equipping yourself mentally to understand what it means for people to have rights, how rights create the foundation for peaceful social cooperation, and how

voluntary societies work. It means standing up, not only for your own freedom, but for the freedom of other people. A great Brazilian thinker dedicated his life to the abolition of the greatest violation of liberty imaginable: slavery. His name was Joaquim Nabuco and he stated the libertarian creed that guided his own life:

Educate your children, educate yourselves, in the love for the freedom of others, for only in this way will your own freedom not be a gratuitous gift from fate. You will be aware of its worth and will have the courage to defend it.<sup>4</sup>

Being a libertarian means caring about freedom for everyone. It means respecting the rights of other people, even when we find their actions or words disagreeable. It means refraining from the use of force and instead pursuing one's goals, whether personal happiness, or the improvement of the condition of humanity, or knowledge, or all of those, or something else, *exclusively* through voluntary and peaceful action, whether in the "capitalist" world of free enterprise and exchange, or in science, philanthropy, art, love, friendship, or any of the other human endeavors framed by the rules of voluntary cooperation.

### **Skepticism about Power and Authority**

Being a libertarian means understanding that rights are secure only when power is limited. Rights require the rule of law. John Locke, the English radical philosopher and activist, helped to lay the foundations for the modern world. He argued against the advocates of "absolutism," those who believed that the rulers should exercise unlimited powers. Those who defended absolute power sneered that allowing people their "liberty" would mean everyone just doing whatever he or she "lists," that is, whatever he or she was inclined to do, as a matter of whim and without regard to consequences or the rights of others.

Locke responded that what the party of liberty sought was

“a Liberty to dispose, and order, as he lists, his Person, Actions, Possessions, and his whole Property, within the Allowance of those Laws under which he is; and therein not to be subject to the arbitrary Will of another, but freely follow his own.”<sup>5</sup> One has the right to do whatever one chooses with what is one’s own—to freely follow one’s own will, rather than the commands of another, so long as one respects the equal rights of others.

The philosopher Michael Huemer grounds libertarianism in what he calls “common sense morality,” which is comprised of three elements: “A nonaggression principle” that forbids individuals from attacking, killing, stealing from, or defrauding one another; “A recognition of the coercive nature of government . . . which is supported by credible threats of physical force directed against those who would disobey the state”; and “A skepticism of political authority . . . that the state may not do what it would be wrong for any nongovernmental person or organization to do.”<sup>6</sup> As he notes, “it is the notion of *authority* that forms the true locus of dispute between libertarianism and other political philosophies.”<sup>7</sup>

### **Liberty, Prosperity, and Order**

Being a libertarian means understanding how wealth is created; not by politicians giving commands, but by free people working together, inventing, creating, saving, investing, buying and selling, all based on respect for the property, that is, the rights, of others. “Property” isn’t limited just to “my stuff,” as one might use the term today, but encompasses the rights to “Life, Liberty, and Estate,” to use Locke’s famous phrase.<sup>8</sup> As James Madison, the principal author of the US Constitution argued, “[A]s a man is said to have a right to his property, he may be equally said to have a property in his rights.”<sup>9</sup>

Love and affection may be enough for small groups to cooperate peacefully and efficiently, but libertarians understand that they aren’t sufficient to create peace and cooperation among large groups of people who don’t interact face-to-face.

Libertarians believe in the rule of law, meaning rules that are applicable to everyone and not bent or stretched this way or that based on the preferences of people with power. The rules of free societies are not crafted to benefit this or that person or group; they respect the rights of every human being, regardless of gender, color, religion, language, family, or other accidental feature.

The rules of property are among the most important foundations for voluntary cooperation among strangers. Property isn't just what you can hold in your hands; it's the complex relationships of rights and obligations by which people who are unknown to each other can guide their actions and that allow them to live peacefully, to cooperate in firms and associations, and to trade for mutual advantage, because they know the baseline—what's mine and what's yours—from which each may act to improve his or her condition. Well-defined, legally secure, and transferrable property rights form the foundation for voluntary cooperation, widespread prosperity, progress, and peace.<sup>10</sup> That includes not only the things you can hold in your hand or stand on, but shares of complicated business enterprises that produce any of the uncountable things that require the cooperation of thousands and thousands of people, whether medicines or aircraft or pineapples delivered to your table in winter.

The libertarian law professor Richard Epstein titled one of his best books *Simple Rules for a Complex World*.<sup>11</sup> The title brilliantly captures his theme, that you don't need complex rules to generate complex forms of order. Simple rules will do. In fact, simple, understandable, and stable rules tend to generate order, whereas complicated, incomprehensible, and fluctuating rules tend to generate chaos.

Well-defined property and the right to trade on mutually agreeable terms make possible large-scale cooperation without coercion. Free markets incorporate more, not less, order and foresight than coercively directed or commanded societies. The spontaneous order of markets is far more

abstract, complex, and farsighted than all the five-year plans or economic interventions ever devised. Institutions such as prices, which emerge when people are free to exchange, help to guide resources to their most highly valued uses, without vesting coercive power in a bureaucracy.<sup>12</sup> Coercively imposed “planning” is, in fact, the opposite of planning; it is a disruption of the continuous process of plan coordination embodied in freely developed social institutions.

Order emerges spontaneously from the free interactions of people who are secure in the enjoyment of their rights. That applies not only to economic order, but also to language, social mores, customs, science, and even fields such as fashion and style. To use force in the attempt to subject any or all of those areas to the arbitrary will of a ruler, a dictator, a president, a committee, a legislature, or a bureaucracy is to replace order with chaos, freedom with force, and harmony with discord.

Libertarians believe in and work for a world at peace, in which the rights of each and every unique human being are recognized and respected, a world in which widely shared prosperity is generated by voluntary cooperation, based on a legal system that protects rights and facilitates mutually beneficial exchanges. Libertarians believe in and work for limits on power, for the subjection of heretofore arbitrary power to the rule of law, for the limitation and minimization of violence of all sorts. Libertarians believe in and stand up for the freedom to think, to work, to behave in any way one chooses, so long as one respects the equal freedom of others. Libertarians believe in and work for a world in which each person is free to pursue her or his own happiness, without requiring anyone else’s permission to be, to act, to live.

### **So . . . Why Be Libertarian?**

Why be libertarian? It may sound glib, but a reasonable response is, *Why not?* Just as the burden of proof is on the one who accuses another of a crime, not on the one accused, the burden of proof is on the one who would deny liberty

to another person, not the one who would exercise liberty. Someone who wishes to sing a song or bake a cake should not have to begin by begging permission from all the others in the world to be allowed to sing or bake. Nor should she or he have to rebut all possible reasons against singing or baking. If she is to be forbidden from singing or baking, the one who seeks to forbid should offer a good reason why she should not be allowed to do so. The burden of proof is on the forbidding. And it may be a burden that could be met, if, for example, the singing were to be so loud it would make it impossible for others to sleep or the baking would generate so many sparks it would burn down the homes of the neighbors. Those would be good reasons for forbidding the singing or the baking. The presumption, however, is for liberty, and not for the exercise of power to restrict liberty.

A libertarian is someone who believes in the presumption of liberty. And with that simple presumption, when realized in practice, comes a world in which different people can realize their own forms of happiness in their own ways, in which people can trade freely to mutual advantage, and disagreements are resolved with words, and not with clubs. It would not be a perfect world, but it would be a world worth fighting for.