

The Logic of Liberty

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Introduction

This essay is about our principles of political action. As we engage in politics, we make assumptions and implement strategies that often remain unspoken. Here, we will bring some of these assumptions and strategies into the open.

In the struggle to turn our values into laws, we inevitably encounter the primary obstacle: the moral shortcomings of our political adversaries. In an ideal political process, everyone participating would be morally good. They would argue honestly for their positions and would adhere to all the norms of good-faith conduct. Unfortunately, in the “real world,” when people engage in the political process, they are often morally bad; they lie and cheat. We believe this is the essential problem. Society cannot move forward and improve because the members of the other political group are morally unprincipled. We believe the political process itself, in its ideal form, is good or neutral or benign. By and large, we do not examine it closely. In what follows, we will examine the nature of the political process itself, with the goal of uncovering overlooked aspects of that process.

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Our political life often resembles a battle between two opposed groups over the implementation of concrete, irreconcilable political values. Should taxes be increased or decreased? Should we regulate people more or regulate them less? Each side subscribes to a collection of such political values, and the goal is to establish as many of them as possible as the “law of the land.”

Let’s pause and do a simple thought experiment. There are two opposed political groups. One group is ideologically committed to a society of full government control. This group includes communists,

socialists, welfare state advocates, etc. The second group is ideologically committed to a society of half government control and half individual autonomy. This group includes conservatives, nationalists, and those with religious beliefs. If these two groups engage in a back-and-forth political process over the course of a century, how can this result in anything but increasing government control?

Our current political predicament is uncomplicated. All groups who currently wield political influence are in favor of government control, each for their own purposes and each to their own extent. There exists no politically influential group advocating individual autonomy. In contemporary American society, the libertarians are a placeholder for this group. However, libertarianism as it currently exists is a scholarship and debate movement, not a political movement. This essay examines the contradictions and misconceptions of present-day libertarianism and suggests a path forward.

The Logic of Liberty

Libertarianism and government. Government is a universal aspect of contemporary social life. A collective of individuals gives its assent to specific members of that collective—the ‘government’—to use coercion, or the threat of coercion, as a means of attaining the goals of the collective. The term *government* refers primarily to this collectively organized coercion. *Liberty* and *libertarianism* concern the relationship between collectively organized coercion and those to whom that coercion, or the threat of that coercion, is directed. Libertarianism is essentially a theory of the relationship between individuals and governments; a theory of the relationship between individuals and collectively organized coercion.

Nonlibertarian society as an evolutionary process. Modern society is fundamentally *nonlibertarian*. We can describe nonlibertarian society as a society in which, as social objects or social situations are deemed ‘important,’ they are shifted from the private sector to the public sector (i.e., from individual control to government control). In nonlibertarian society, as money, banking, insurance, health care, education, science, etc., become identified as ‘important’ social goods, they are eventually deemed too important to leave in the hands of private individuals and are transferred to government control. This process continues indefinitely. Social objects that were not deemed important enough to remove from private control yesterday, become too important to leave in private control today. Thus, nonlibertarian society can be seen as an evolutionary process whereby social objects become important, thereby become inconsistent with private control, and are transferred to government control. It is an evolutionary process with no end. The asymptotic goal of this process is maximum government control and minimal individual autonomy.

Two types of liberty. In our current understanding of liberty, our ‘liberties’ consist in those things we are permitted to do without incurring government intervention. For example, we are permitted to shop in the retail store of our choosing largely without incurring government intervention. When the things we do are permitted by government, we may provisionally refer to this kind of liberty as “permissioned” liberty. By contrast, when we do things that are not permitted by government because it is impractical for government to prevent our doing them, we may provisionally refer to this kind of liberty as “nonpermissioned” liberty or “permissionless” liberty. An example of permissionless liberty is driving in excess of the legal speed limit. When we drive in excess of the legal speed limit, we do so not because we are permitted to by government, but rather because it is impractical in most cases for government to prevent our doing so.

The assumption of shared values. Often implicit in our understanding of permissioned liberty is the notion that nonlibertarian society assents to those permissioned liberties we currently enjoy. We often interpret the fact that the government does not stop us from doing something to mean that nonlibertarian society assents to our doing that thing. This is the assumption of shared values. We believe that because we are allowed to engage in various activities, this means everyone in larger society—or most people—*want* to allow these activities. However, this presumption of shared values obscures an important aspect of social life.

If I don’t try to stop someone from doing something, this doesn’t necessarily mean I want them to continue doing it. Instead, it could be that I don’t try to stop them for practical reasons. For example, if I try to stop someone from doing something it may be expensive or dangerous or stressful for me to do so. I may fear retaliation if I try to stop someone from doing something, or I may fear social disapproval if I try

to stop someone from doing something. There are practical considerations that may keep me from trying to stop someone from doing something I do not want them to do.

Thus, with respect to permissioned liberty, we should not assume that the permissioned liberties we currently enjoy necessarily imply the assent of nonlibertarian society. Instead, we should assume that in many cases nonlibertarian society does *not* assent to our present liberties. We should assume that in many instances nonlibertarian society would like to curtail or eliminate the liberties we currently enjoy, but practical considerations (e.g., present political realities) prevent them from doing so.

Our liberties exist because of the practical difficulties in eliminating them. For example, in present-day society, individuals are allowed to make a large number of choices regarding their own education. They may choose their field of study, the amount of time and effort they apply to their education, the location of their study, and many other aspects. By habit of mind, we tend to believe that everyone in larger society is in agreement with freedom of educational choice. As we look around, we don't see too many people arguing against it. It appears as though educational freedom is a near-universally shared value.

However, as previously mentioned, if someone doesn't take any action to prevent an activity, this doesn't necessarily mean that they are in agreement with that activity or want that activity to continue. A person who takes no action to prevent a given activity may judge that the practical prospects for preventing that activity are so low that trying to prevent it would be fruitless. In contemporary American society, the prospects for banning individual choice in education is very low. Those who would like to ban it know that if they tried to ban it they would fail. However, if political circumstances were to change, and if the

elimination of educational freedom were to become practically feasible, people who had formerly said or done nothing to prevent educational freedom would see an opportunity for practical success, and would move to ban it (for example, as an advance toward an envisioned egalitarian utopia). Similarly, freedom of speech was, until recently, considered a near-universally shared political value in the western countries, and especially in the United States. When the means to ban online speech were gradually developed, and the prevention of free speech became feasible, nonlibertarians then moved to ban it, and we could then observe that freedom of speech was not a universally shared value as we previously assumed.

Thus, many of the liberties we enjoy today, exist not because of values that are shared between libertarian and nonlibertarian society. Many of the liberties we enjoy today exist because it is currently impractical for nonlibertarian society to eliminate them. If our liberties exist not because they have been assented to by nonlibertarian society, but because it is impractical for nonlibertarian society to eliminate them, this suggests that in our quest for liberty, we should not seek the assent of nonlibertarian society, but rather seek those liberties that it will be impractical for nonlibertarian society to prevent.

Geography. In the contemporary conception of government, the laws apply to people who reside or travel within a given geographic area. The political values of various individuals living within a given geographic area are generally irreconcilable. For example, some individuals may want a society in which education is privatized, while some individuals may want a society in which education is government controlled. Some individuals may want a society in which the private sale and purchase of drugs is legalized, while some individuals may want a society in which the private sale and purchase of drugs is illegal. Under the geographic conception of government, there is a singular law for a given geographic

region. Private education is either legal, or illegal, for the entire geographic region. The purchase and sale of drugs is either legal, or illegal, for the entire geographic region. Thus, the enforcement of the political values of one group in the geographic region negates the political values of another group in that geographic region. For each political issue, there is the *ruling* group (the group that succeeds in having its political values enforced in the geographic region) and the *ruled* group (the group that fails to have its political values implemented in the geographic region). In the geographic conception of government, the choice is to rule or be ruled.

The geographic form of government is not the only possible form of government. For example, a foreign diplomat may be exempt from specific U.S. laws while visiting the U.S. In this case, what that person is allowed to do is based on their *identity*. A person can provide documentation to the government demonstrating that they are exempt from the law in question. Thus, while everyone else in the geographic region is subject to the law in question, a person providing such documentation is not subject to that law.

Reinforcement of the employed political principle. In our current political system, we observe the following recurring pattern. A group of people share a set of political values. This group attempts to gain control over the political system and to enforce its political values. As the political system is organized on a geographical basis, the enforcement of the political values of this group negates the enforcement of the political values of other groups. These other groups, observing how the first group succeeded in gaining control over the political system and in enforcing its political values, therefore employ the same political principle; they try to gain control over the political system in order to enforce their political values and negate the political values of other groups. To the extent that a particular group succeeds in

this endeavor, this serves as further confirmation and encouragement to all other groups that they must intensify their efforts to gain control. As there is no recognized political alternative, intensification of the attempt to gain control of the political system—and thus of other people—is the only option. Each side fights harder and harder for control. As the cycle repeats, the stakes rise. Politics becomes war by nonlethal means.

As this is occurring, the people involved fail to realize that they are reinforcing the principle of political control that their adversaries are using against them. When we seek to attain political control over others, through our actions, we affirm this goal as a legitimate and worthy goal. We put into action a principle that is observed, learned, and replicated by others. In the absence of other, competing principles, the one principle we do employ, through repetition, and through replication by others, comes to pervade the entire political realm. And that is where we find ourselves today. We know only one political principle, and thus we know only one political choice: control or be controlled.

Political convictions: Changeable versus fixed. In seeking political change, we begin by envisioning a political situation different from that which currently exists. We then attempt to attain this envisioned political future by various means such as discussion, argumentation, political action, etc. In so doing, we eventually meet resistance from our political adversaries. This resistance from our political adversaries repeatedly prevents us from enacting our political reforms to the degree we had envisioned. To the extent we believe that we ourselves, and our political values, are “good,” then of logical necessity, our political adversaries themselves, and their political values, become “bad.” We eventually come to believe that our political adversaries are immoral. We believe that they are callous with regard to important

human values such as freedom, prosperity, the disadvantaged, the environment, etc., or we believe that they are dishonest in their arguments and dishonest about their motives and goals. We conclude that the immorality of our political adversaries is the primary obstacle preventing a better political future. And from this, we conclude further that changing the moral and political convictions of our political adversaries is, and should, be an important part of our political strategy.

As opposed to a political strategy that focuses on the political convictions of our adversaries—a strategy that assumes people's political convictions are changeable—we may adopt a political strategy that entails the opposite assumption: the assumption that the moral and political convictions of our political adversaries are, for practical purposes, fixed. We can make this assumption not because a person's morality and political convictions are absolutely unchangeable, but rather because, as a practical matter, most people's moral and political convictions do not change to a degree, and within a timespan, that will allow us to proceed with our desired political future. This assumption, that everyone's political convictions are, for practical purposes, fixed—a 'given' to be accepted, rather than a character flaw to be corrected—mirrors our empirical experience. We observe that in general, we are not able to change the moral and political convictions of our contemporaries by argumentation or by appeals to important human values or by accusing them of immorality.

If we assume that for practical purposes, the moral and political convictions of our political adversaries are fixed, this has an important implication for our political strategy. If we assume that our political adversaries' views won't change, then changing the views of our political adversaries will not be part of our political strategy. And this frees us to search for other political strategies—strategies that do not depend on a change in the views of our political adversaries.

Libertarianism as voluntary exchange. The notion of voluntary, uncoerced exchange is central to libertarian social theory.

Libertarianism's focus on voluntary social interaction derives from the centrality of individual happiness to libertarian social theory. Whether it is implicit or explicit, the happiness of the individual person (the individual's satisfaction, contentment, well-being, etc.) is the foundation or anchor of libertarian social theorizing. Because social actions such as coercion, force, assault, fraud, dishonesty, and similar social actions are, by their nature, instances of *unhappiness* for the recipient of such actions, libertarian social theory has been guided by the principle of reducing such social actions as much as possible. Thus, libertarian social theory emphasizes the *reduction* of harmful social actions as opposed to the *application* of harmful social actions. In general, and allowing for exceptions, libertarian social theory in the ideal can be thought of as a theory of social interaction in which each individual exchange is a voluntary, noncoerced, exchange—i.e., a theory in which each individual exchange results in happiness for both participants.

Due to its emphasis on and analysis of voluntary, noncoerced exchange, libertarian social theory naturally deemphasizes nonvoluntary, coerced exchange. The social phenomenon of nonvoluntary, coerced exchange is *acknowledged* by libertarian social theory, but libertarian social theorists are generally disinclined to elaborate a comprehensive theory of the *application* of nonvoluntary, coerced exchange. If we consider Ludwig von Mises's *Human Action* as an example of libertarian social theory—a theory that comprehensively analyzes and explains a society of voluntary, noncoerced exchanges—there exists no corresponding libertarian treatise comprehensively analyzing and explaining a society of nonvoluntary, coerced exchanges (in the positive, purely expository sense). The libertarian theories of harmful actions, insofar as they exist, pale in comparison to the libertarian theories of voluntary actions as

exemplified by the important libertarian economic texts and treatises. In this sense, one can reasonably argue that, purely as a historical and factual matter, libertarian social theory has been unbalanced or one-sided. Its theoretical and economic analysis of voluntary exchange far surpasses its theoretical treatment of harmful social actions such as coercion, force, assault, dishonesty, fraud, deception, etc. The statement of this fact is not intended as a criticism. Rather, acknowledgement of this fact is one piece of a theoretical puzzle that we are piecing together.

Nonlibertarian society as a theory of coerced exchange. As mentioned, libertarian social theory can be interpreted as an analysis and explanation of a society of voluntary exchange. In voluntary exchange, each party to the exchange is conceived to benefit from the exchange and, in this sense, is said to be “happy” with the exchange (i.e., each party is satisfied, content, etc., with the exchange). Libertarian social theory lacks a corresponding, comprehensive theory of a society of *involuntary* exchange; a society in which exchanges are coerced and in which one or both parties to the exchange are *unhappy* with the exchange (dissatisfied, discontent, etc.). In this sense, libertarian social theory can be criticized as being utopian or unrealistic in its one-sided focus on the *voluntary* method of obtaining goods and services. In present times, as throughout history, it is a fact that many people have obtained the things they want through “involuntary” methods such as coercion, force, assault, murder, fraud, deception, etc. While libertarian social theory provides an admirable analysis of voluntary exchange, it fails to provide an adequate theory of the involuntary means of obtaining goods and services, and in particular, the government-initiated means of obtaining goods and services. In short, libertarian social theory fails to provide an adequate theory of government.

Though libertarian social theory does not provide a comprehensive theory of the use of coercion in the acquisition of goods and services, a proxy exists for such a theory: nonlibertarian society itself. The existing tax and regulatory system of nonlibertarian society is, in large measure, not voluntary. In contemporary nonlibertarian society, the government appropriates the labor and assets of its citizens by threats of fines, imprisonment, physical compulsion, and deadly force (i.e., through nonvoluntary, coerced, exchange). From the libertarian point of view, the workings of contemporary, nonlibertarian society, can be understood as a concrete implementation of a social theory of nonvoluntary exchange. The day-to-day functioning of this society, and specifically the method by which goods and services are obtained by government coercion, can in principle be made descriptively explicit. A comprehensive explanation, in explicit terms, detailing all the ways in which coercion and other harmful social actions are utilized in contemporary nonlibertarian society would constitute a “theory” of nonlibertarian society; a theory explaining the way in which goods and services are acquired through government coercion. Such a theory would be analogous to, and “complementary” to, the libertarian’s theory of the way in which goods and services are acquired through voluntary exchange. Some may argue that there have been many libertarian explanations of the ways in which nonlibertarian society appropriates the goods and services of its citizens by coercive means. However, these explanations are usually in the form of a critique, entailing the assumption that nonlibertarian society is immoral, and implying that its theories and concrete implementations must be altered or abolished. This is not our intended meaning. Our conception is that nonlibertarian society and social theory would be accepted, as a factual matter, as being occupied with, and trying to actualize, the coercive aspect of human nature, with the ultimate goal of a

government-run society. On the other hand, libertarian society and social theory would be accepted as being occupied with and trying to actualize the voluntary, noncoercive side of human nature, with the ultimate goal of a society of full individual autonomy. This conception would make explicit that which has remained largely implicit: that libertarian and nonlibertarian social theories are evolutionary theories with opposite asymptotic end points. One theory conceives a society of greater and greater individual autonomy, while the other theory conceives a society of greater and greater government control.

Since libertarian social theory is a theory of voluntary exchange, and since concrete nonlibertarian society, explicitly and comprehensively explained, constitutes a theory of nonvoluntary exchange, these two theories could be combined into a more general social theory incorporating the notion of “complementarity.” In this more general theory, the coercive, nonvoluntary element is provided by nonlibertarian society and nonlibertarian social theory, while the voluntary element is provided by libertarian society and libertarian social theory. In other words, because nonlibertarian society is generally uninterested in creating new opportunities for individual autonomy, and because libertarian society is generally uninterested in creating new restrictions on individual autonomy, in making this fact explicit, a conception of society emerges in which there is a “division of labor” with respect to freedom and control. Nonlibertarian society focuses on methods of control, while libertarian society focuses on methods of freedom.

The principle of tolerated activities. In any social setting in which multiple actors are involved, there are many things that we can do that others do not want us to do. For example, we can physically strike someone, or we can rob someone. If we do these unwanted things, it is likely to induce other people to take overt action toward us. Perhaps

others will seek to restrain us or retaliate against us. On the other hand, there are things we can do that, though others do not want us to do them, our doing them may not induce an overt action toward us in response. For example, we may be speaking too loudly, or we may be criticizing someone who other people admire. Other people may not want us to do these things, and yet they may take no action to prevent us from doing them.

Thus, in a social setting, there are things that people don't want us to do and they will take overt action toward us if we do them. On the other hand, there are things that people don't want us to do, but if we do them, they won't take overt action toward us. In this empirical fact of social life lies an important principle of political action.

The absence of a tangible libertarian society. Though libertarianism has had success as a scholarship movement, it has largely failed as a political movement. One approach to grasping this is to consider the cumulative growth of libertarian scholarship since 1950 in relation to the cumulative growth of government since 1950. The *volume* of libertarian scholarship and size of government have both grown enormously since 1950. If one considers the growth of government as a rough proxy for a corresponding decline in liberty, one can fairly question the *effect* of libertarian scholarship since 1950. In fact, one could plausibly argue that libertarian scholarship has been a *contributing factor* to the decline in individual liberty. For example, one could argue that, in advocating a geographic conception of government, libertarians have inadvertently argued for a nonlibertarian form of government, thus reinforcing, rather than alleviating, the impulse toward government control.

If the libertarian political movement were succeeding, one should be able to observe either a contraction in the size or scope of government,

or an expansion in individual liberty in relation to government. Neither of those things is occurring (here, we do not account for increases in our standard of living due to technological progress). Though libertarian scholarship has flourished since 1950, this seems to have had little effect, and has possibly had a negative effect, on the growth of individual liberty since 1950.

One paramount fact explains why libertarianism has had minimal impact as a political movement: No libertarian society has been established that people could join or support. During the Cold War, there were two tangible alternatives to choose from. One could choose to live in a communist society or a Western capitalist society (notwithstanding the difficulty in leaving a communist society). In present times, one can choose to store one's savings in nonlibertarian financial instruments (stocks, bonds, bank accounts, etc.) or one can choose to store one's savings in decentralized cryptographic financial instruments such as Bitcoin. In both cases, an alternative choice existed or exists. However, in the case of libertarianism, there is no libertarian society that one can join or support. Thus, a conspicuous asymmetry exists. On the one hand, there is the enormous body of nonlibertarian scholarship and nonlibertarian society as the embodiment of that scholarship. On the other hand, there is a large body of libertarian scholarship but no libertarian society as the embodiment of *that* scholarship. In short, libertarian scholarship theorizes about a society that does not exist.

The practicality and feasibility of a libertarian society. In our habitual way of seeing things, in a democratic society such as ours the laws apply equally to every citizen, or at least that is the agreed-upon goal or ideal. Laws about murder and theft, laws about drunk driving, and laws about pollution, and many other laws, apply equally to the average citizen, to the wealthy citizen, and to the politician. While this may be true as a

generality, there is a sense in which the laws do not apply equally to every citizen, and this unequal application of the laws is an intentional aspect of the system agreed upon by almost everyone.

For example, if someone is breaking the law, a policeman may hold that person at gunpoint, then handcuff that person, and then lock that person in his or her patrol car. However, if that same person is breaking the law, I am not allowed to hold that person at gunpoint, handcuff that person, and lock that person in my own car. Similarly, if someone is of Native-American descent, that person may own a gambling casino in many areas of the United States. However, I, as a person of European descent, am not allowed to own a gambling casino in the same areas of the United States. Similarly, a park ranger may have a key to the gate of a public park, unlock the gate, and drive his or her truck into that public park. However, I, as an average citizen, am not allowed to have a key to the gate of that same public park, or unlock the gate to that park, or drive my car into that public park.

The purpose in bringing these examples to light is to highlight an important aspect of the existing legal system: some people, based upon their identity, are allowed to engage in activities that other people, based on *their* identity, are prevented from engaging in. If I try to arrest someone in the manner indicated, or if I try to operate a gambling casino in the areas indicated, or if I try to drive my automobile in a public park in the manner indicated, I will face legal repercussions. When I face the legal system for adjudication, I will be told, essentially, that I am not allowed to engage in the activities in question because I do not possess the appropriate identification to engage in those activities. However, other people, with the appropriate identification, will be allowed to engage in those activities.

This aspect of the existing legal system represents a largely unrecognized opportunity for a libertarian society. Because there are libertarians who would prefer to enjoy greater liberties even if those liberties were not wanted by or not granted to other members of larger society (analogous to the way in which permission to engage in specific activities is granted to some, but not all, members of society in the examples above). The fact that based on their identity, some citizens are allowed to engage in activities that others are barred from engaging in, demonstrates that, 1) It is practically feasible to engage in activities that other members of society are banned from engaging in, and, 2) Nonlibertarian society is currently administering such a system.

Thus, with respect to libertarians and their desire to engage in specific activities that they are currently barred from engaging in, the realization of their desire is definitely *feasible* and *practical*. It is not the case that a society in which libertarians could engage in activities denied to other citizens is unrealistic or impractical. It is rather that most citizens in larger society *do not want* libertarians to have these kinds of entitlements and would therefore not vote for them. In other words, the nonlibertarian legal framework is consistent with and can accommodate a nascent libertarian society. Those who control nonlibertarian society simply do not want a libertarian society to emerge.

A libertarian society will not be established by violence or by education. Those who desire a libertarian society, in whatever form, necessarily envision some process by which nonlibertarian society can evolve into libertarian society. As we discussed above, libertarianism can be seen as a theory of voluntary, noncoerced exchange. As a corollary, generally absent from libertarianism is a positive theory of hostile or violent exchange. In practice, this means that in general and as a group, libertarians prefer nonviolent methods of social change and

social evolution. The fact that we do not observe many instances of violent libertarian political action is empirical evidence that libertarians prefer nonviolent political action to violent political action. Thus, in discussing the libertarian's envisioned process of social change, we will rule out violent or coercive methods as being generally contradictory to libertarian ethical principles and sensibilities.

The large body of libertarian scholarship creates the impression that libertarians believe, or believed, that the primary means for a peaceful evolution to libertarian society would be through education. Through its large body of scholarship, libertarians would educate society, and this would lead to a libertarian society possibly in one of two ways. Either the electorate, educated in libertarian philosophy, would vote for a more libertarian society. Or, society, educated in libertarian philosophy, would be equipped to build a society on libertarian principles after the existing society fails or collapses. We will briefly consider both ideas.

As an empirical matter, it is a fact that, though there is a robust body of libertarian scholarship that has built up since the 1950s, this scholarship and the attempt to educate the public about libertarianism have not resulted in the electorate voting for more and more liberty over time. There is a fundamental reason why education of the public has failed to convince the public to vote for a libertarian society. The libertarian's primary ethical imperative is that a person's labor and assets belong exclusively to that person, and that the government should not coercively appropriate them for its own purposes or those of society. By contrast, the view held by the vast majority of the public is precisely the opposite. In their view, government should, whenever deemed necessary, whether for its own purposes or those of society, coercively appropriate the labor and assets of its citizens. By and large, all libertarians hold the former political conviction while all nonlibertarians hold the latter political conviction.

As we discussed previously, we can, if we wish, choose to understand society's rejection of libertarian political philosophy in moral terms. In a democracy, lying is perfectly legal in most cases. Anyone involved in the political process may lie as a means to obtain their desired political outcome. Thus, one can plausibly argue that society rejects libertarianism due to the immorality of nonlibertarians. However, there is another approach to understanding why libertarianism is rejected by nonlibertarians.

Libertarians propose free exchange—the free market—as the primary means for individuals to secure important goods and services. Nonlibertarians propose government as a primary means for individuals to secure important goods and service. Let's take a look at each of the proposed methods. The libertarian proposal for acquiring goods and services is *statistical* in nature. The libertarian's argument is that, in a prosperous society in which vastly more goods and services are available, any given individual is therefore more likely to have such goods and services available to them at an affordable price. A libertarian cannot guarantee that a given good or service (e.g., a surgery, a health insurance policy, a home, etc.) will be provided to a given individual in the future. The libertarian's proposal is that as society becomes more prosperous, more people will prosper. This proposal, even in its most ideal form, does not claim to secure the future prosperity or well-being of any particular individual.

The nonlibertarian's proposal addresses precisely that which libertarianism cannot provide. The nonlibertarian's proposal is that using government power, the government will appropriate from the existing pool of goods and services, and secure specific goods and services (e.g., a surgery, a health insurance policy, a home, etc.) for specific individuals. This method is more certain than the libertarian's proposed method. The nonlibertarian reasons that government can

appropriate from the existing pool of goods and services and transfer these goods and services to the nonlibertarian as soon as the government is elected and takes power. In this way, the nonlibertarian can receive the goods and services relatively soon and with a relatively high degree of certainty. By contrast, the libertarian's proposed method of obtaining these same goods entails a relatively long period of economic evolution in order to produce the abundance of goods that result from free exchange. At the end of the libertarian's proposed process, there is no guarantee that any particular individual will be allocated any particular good or service from this pool of abundance. Therefore, analogous to the proverb "a bird in the hand is worth two in the bush," the nonlibertarian reasons, "A *certain* allotment of goods to me *now* outweighs an *uncertain* allotment of twice the goods to me in the *future*."

The libertarian may object to this reasoning on moral or ethical grounds, but moral principles are not absolute; they depend on the context. If a criminal breaks into my house demanding to know the location of my child, I will lie to him because the well-being of my child outweighs my commitment to the ethical principle of honesty. For the nonlibertarian, securing their own material well-being outweighs the ethical or moral aversion to availing themselves of government action. This is especially true if government action is ubiquitous, noncontroversial, and lacking a negative ethical or moral connotation in their society.

It is this simple reason that prevents people from desiring a libertarian society. Essentially, people fear that absent government control, their acquisition of important goods and services will be left up to chance. They view the acquisition of these goods and services as far more important than the libertarian ethical principle of voluntary exchange. They conclude that the certainty with which they can obtain a limited

amount of goods now, through government action, far outweighs the uncertainty of obtaining a larger amount of goods, later, through voluntary exchange. Thus, they do not “vote for freedom.”

The choice between freedom and control is a choice of *values*. Some people prefer certainty and predictability and are willing to sacrifice personal autonomy to obtain them. Some people prefer freedom and are willing to sacrifice certainty and predictability to obtain it. This is the reason that education has been ineffective in reversing the public’s enduring desire for government intervention.

This brings us to the second way that libertarian scholarship might result in a libertarian society. Some libertarians, seeing that the public refuses to vote for a libertarian society, hold out the hope that the existing political order will collapse under its own weight, after which a libertarian society will rise from the ruins. The value of libertarian scholarship, then, is in the education of those who will build the future libertarian society once contemporary society collapses.

Unfortunately, this view of things is unrealistic. If the nonlibertarian political order collapses in an orderly manner, with continuity, stability, and little change in uncertainty, then the basic impediment to libertarian society still remains. The public will continue to reject libertarianism due to their fear of the uncertainty in the acquisition of goods and services under conditions of free exchange. On the other hand, if the existing political order collapses in a disorderly manner, with a high degree of volatility, instability, and uncertainty, the nonlibertarian’s fear with regard to securing desired social goods and services will *increase*. In these conditions, the nonlibertarian’s propensity to demand government—or even violent—action can only be expected to *increase*, not decrease. A small number of libertarians may be ready to build a libertarian society on the ruins of nonlibertarian

society, but if a sudden collapse occurs, society at large will shorten its time horizon and try to secure whatever goods are available, immediately, by any means at their disposal. They will not suddenly begin to engage in the long-term economic thinking that is a defining trait of libertarianism.

Thus, at least three paths toward a libertarian society seem highly unlikely. Libertarians will not establish a libertarian society through violent action since that is counter to core libertarian ethics. Society will not vote for libertarianism since doing so is to relinquish 'control' over the allotment of important social goods and services. Libertarian society will not rise from the collapse of nonlibertarian society because, if nonlibertarian society collapses, the public impulse to commandeer goods and services by nonvoluntary means will increase, not decrease.

Initial conditions. In the discussion so far, we have sketched the existing conditions libertarians will face if they seek to establish an incipient libertarian society. These conditions are:

A. Nonlibertarian society as an evolutionary process. Nonlibertarian society is an evolutionary process in which social objects and activities are deemed important and then transferred from private control to government control. The asymptotic goal of nonlibertarian society is maximum government control and minimal individual autonomy.

B. The assumption of shared values. In thinking about the political values of our contemporaries, we shouldn't assume that because specific activities are currently permitted, our contemporaries therefore assent to our engaging in these activities. That we are permitted to engage in specific activities may be due to the fact that our contemporaries judge it impractical to prohibit such activities in the current political atmosphere. This implies that in our quest for liberty, we should not seek the assent of nonlibertarian society, but instead

should seek to attain liberties that nonlibertarian society finds it impractical to prohibit.

C. Geographic conception of government. In the geographic conception of government, the attainment of the political values of one person or group necessitates the negation of the political values of another person or group. If the group who abandons their political values does not do so voluntarily, the negation of the political values of this group is inconsistent with the libertarian ethic of voluntary, noncoercive, exchange. Thus, libertarian social theory is inconsistent with the geographical conception of government, and this implies that libertarian society cannot be built on a geographical or territorial model.

D. Reinforcement of the employed political principle. Any attempt by libertarians to establish a libertarian society will entail a political principle put into action. As discussed, any principle employed will be observed, learned, and potentially replicated by others. The principle of control is the primary political principle of contemporary nonlibertarian society. In the absence of an alternative principle of political action, intensifying the attempt to gain control of the existing political system, and thus of other people, is the only option.

E. Political convictions: Changeable versus fixed. If we assume that our political contemporaries' views won't change, then changing the views of our contemporaries will not be part of our political strategy. And this frees us to search for other political strategies—strategies that do not depend on our having to change the views of our contemporaries.

F. Libertarianism as voluntary exchange. In general, libertarian social theory is a theory of social interaction in which each individual exchange is a voluntary, noncoerced, exchange.

G. Nonlibertarian society as a theory of coerced exchange. Due to its focus on voluntary, noncoerced, exchange, libertarian social theory has been disinclined to elaborate a positive theory of nonvoluntary, coerced, exchange. This suggests the possibility of a general social theory incorporating 'complementarity,' in which the voluntary element is provided from the libertarian side while the nonvoluntary element is provided from the nonlibertarian side.

H. The principle of tolerated activities. In a political setting, there are actions or activities our contemporaries don't want us to do, and if we do them, they will initiate overt government action toward us. On the other hand, there are actions or activities that our contemporaries don't want us to do, but if we do them, they won't initiate overt government action toward us. In this political social reality lies an important principle of political action.

I. The absence of a tangible libertarian society. There is one fundamental reason that libertarianism has failed as a political movement: No libertarian society has been established that people can join and support.

J. The practicality and feasibility of a libertarian society. The existing nonlibertarian legal framework can accommodate a nascent libertarian society. Many people and groups in nonlibertarian society are allowed to engage in activities that others are prohibited from engaging in. A libertarian society is therefore practical and feasible. Nonlibertarians simply do not want a libertarian society to exist or emerge.

K. A libertarian society will not be established by violence or by education. A libertarian society will not come into being through violent action since this negates the libertarian ethic of voluntary exchange. A libertarian society will not come into being through education or through the collapse of contemporary society, because these two

pathways do not address the essential problem that nonlibertarians solve through nonlibertarian society: how to secure important goods and services with the relative certainty that government appropriation provides, as contrasted to the probabilistic uncertainty that libertarian society entails.

An Example of a Nascent Libertarian Society. For our example of a nascent libertarian society, we will assume a nonlibertarian society in which many activities are prohibited. Among the prohibited activities is discussing or speaking about Darwin's Theory of Evolution and associated ideas. Against this political backdrop, two or more people declare, publicly, that *amongst themselves*, speaking about Darwin's Theory of Evolution and associated ideas will be permitted.

Upon this declaration, ***a concrete, nascent, libertarian society has been established***, and in the sense previously described. Namely, these two or more people are now allowed—as per their declaration and as per their actions—to engage in an activity that others are prohibited from engaging in (in the same way that some people are allowed to operate a casino, and some people are allowed to arrest other people, and some people are allowed to drive their truck in a public park). On the one hand, by virtue of their agreement, these people are now allowed to engage in the specified activity. On the other hand, by virtue of the laws of nonlibertarian society, other people, who have not chosen to enter this agreement, are prohibited from engaging in the specified activity.

The process through which this nascent libertarian society is created includes the following attributes:

- A. This society is entered into voluntarily, and thus satisfies the libertarian ethical code that eschews coercion.
- B. This society is not established on a geographical basis.

C. This society does not require the assent of nonlibertarian society and does not require a change in nonlibertarians' political convictions, viewpoints, or morality.

D. This society is not established by violence or by education or by voting.

E. This society is both practical and feasible. It is a concrete, libertarian society that people may choose to join and support.

F. This society is an embodiment of an alternative political principle to the principle of control. No attempt is made to control other people or to gain control over the existing political system. The cycle of "control or be controlled" is thus broken.

Discussion. As discussed previously, in a political setting, there are activities that our contemporaries do not want us to engage in. Conversely, there are activities that we do not want our contemporaries to engage in. However, the most important question from a political point of view is whether the activities engaged in rise to such a level that the offended party initiates government action toward the offending party. This 'level' of offense is not absolute; it depends on a judgment or calculation consisting of two inputs: 1) The magnitude of the gain anticipated from preventing the specific activity, and 2) The magnitude of the cost anticipated to prevent the specific activity. If the magnitude of the expected gain is too small in comparison to an expected cost that is too large, then government action will not be initiated. The determination will be made that, while one does not *want* the specific activity to continue, for practical purposes, the cost of preventing the activity is too great in relation to the small gain to be achieved through preventing the activity. The attempt to prevent an activity is deemed impractical when the cost to prevent it is too high and the gain to be expected is too low.

In the nascent libertarian society, an agreement is made to engage in a specific activity only amongst those who agree to do so. The agreement deliberately omits any suggestion that this same activity be engaged in 1) between members of nonlibertarian society, or 2) between members of libertarian society and members of nonlibertarian society. That the agreement is clearly circumscribed and limited in its applicability is an important feature of the agreement. The limited applicability of the agreement—between those who agree only—significantly decreases the ‘gain to be expected’ from preventing the activity in question. For example, if we assume a nonlibertarian society comprised of ten thousand citizens, among which only three hundred are libertarians. A libertarian could, potentially, propose a society-wide law, mandating that every citizen residing in nonlibertarian society is permitted to talk about Darwin’s Theory of Evolution. In this case, the gain to be expected from preventing this activity would be the prevention of this activity from occurring among ten thousand people. However, if the activity in question will only occur among three hundred people, the gain to be expected from preventing the activity is lowered by 97% (in purely numerical terms).

The gain to be expected from preventing the activity in question may be lowered in other ways as well. For example, one could potentially propose an agreement, intended to apply only amongst libertarians, that libertarians are no longer required to pay for the construction of public roads or to pay for public education. One can imagine that, from a nonlibertarian perspective, preventing the activity “withdrawal of funding for a public service” would be a higher priority than preventing the activity “speaking about the Theory of Evolution.” From a nonlibertarian perspective, the expected gain from preventing the former is likely much higher than the expected gain from preventing the latter. Thus, in choosing to implement the latter agreement over the

former agreement, the libertarians would lower the nonlibertarians' expected gain in preventing the activity in question.

By choosing some types of agreements and eschewing other types of agreements, libertarians can thereby also increase the cost of preventing the activity specified in those agreements. For example, a libertarian could potentially propose an agreement in which libertarians would be exempted from purchasing auto insurance or would no longer be required to register their automobile. Presumably, the cost for nonlibertarians to prevent these activities would be relatively low, as a policing system for these activities is already in place and the activities themselves are relatively easy to identify. By contrast, conversations are ubiquitous, and the attempt to identify and prevent all conversations of a specific type would, presumably, be very high. Thus, in choosing specific activities as the basis of their agreements, libertarians can bring about a situation in which the gain to be expected from preventing their activity is low while the expected cost to prevent their activity is high. Doing so would increase the likelihood that their contemporaries in nonlibertarian society, while not *wanting* libertarians to engage in those activities, may nonetheless decide that preventing those activities is impractical.

Finally, there is an added benefit to limiting the applicability of the libertarians' proposed agreements. It is relatively easy to implement an agreement amongst those who are desirous of the agreement. In contrast, it is relatively difficult to force an agreement amongst people who are opposed to the agreement. In abandoning the attempt to force libertarian agreements on nonlibertarians, libertarians make their task much easier. They vastly lower the cost and effort of founding a libertarian society.

Activities of importance. As discussed previously, nonlibertarian society can be seen as an evolutionary process in which activities are deemed important and then transferred from private control to government control. As an example of an important social activity, we will consider the activity of dumping a toxic substance into a river, and we will assume a nonlibertarian society in which 1) this activity is controlled by government, 2) discussing Darwin's Theory of Evolution and associated ideas has been prohibited, and 3) two or more people—libertarians—declare, publicly, that amongst *themselves*, speaking about Darwin's Theory of Evolution and associated ideas will be permitted.

Under these circumstances, if one observes a person polluting a river, one may alert the government to this activity as a means of preventing the continuance of this activity. However, it is not only the *nonlibertarian* citizen who may alert the government as a means of preventing the pollution, but also the above-mentioned *libertarians* who may alert the government as a means of preventing the pollution (in the same way that the people who arrest other people, and the people who operate casinos, and the people who drive their trucks in a public park, may alert the government as a means of preventing the pollution). The fact that specific people in nonlibertarian society have secured the ability to engage in activities that others are prohibited from engaging in, does not, in itself, nullify one's citizenship in nonlibertarian society. In fact, that some people engage in activities which others are prohibited from engaging in is a distinct feature of nonlibertarian society.

Thus, for any libertarian living in nonlibertarian society, the government remains in place as a means for preventing those activities that he or she may deem too important to leave up to voluntary, uncoerced, agreement. In other words, at any point in time, if an activity is deemed important, and it is impractical to address this activity through

voluntary agreement, the libertarian can, if desired, avail himself or herself of the means of government control. In this sense, there is no need for a distinctly libertarian theory of government. And there is no need for libertarian social theory to elaborate a theory of coercive, nonvoluntary actions to complement its positive theory of voluntary exchange. The legacy political system, in which government coercion is used to obtain specific social outcomes, already exists.

Theoretical Structure. In the structure of social theory as it exists today, libertarian scholarship and nonlibertarian scholarship each present their own comprehensive, self-sufficient theory, each theory comprised of two universal elements—government control and individual autonomy. Each theoretical framework, libertarian and nonlibertarian, proposes its own balance between these opposed forces. Libertarian social theory proposes a relatively large scope of individual autonomy, while nonlibertarian social theory proposes a relatively large scope of government control. In place of this structure, we suggest the possibility of a “complementary” two-element social theory, in which nonlibertarian scholarship (and action) provides the element of government control while libertarian scholarship (and action) provides the element of individual autonomy. This conception reflects our empirical observation to a large degree, since nonlibertarian social theory is largely concerned with government action, while libertarian social theory is largely concerned with individual action. This new conception reflects an explicit acknowledgment that the asymptotic goal of nonlibertarian social theory is maximum government control, while the asymptotic goal of libertarian social theory is maximum individual autonomy.

Libertarianism as an evolutionary process. Since libertarian and nonlibertarian social theory aim at opposite outcomes, and since nonlibertarian society can be seen as an evolutionary process in which

individual autonomy is continually forfeited in favor of government control, this suggests that libertarian society can be seen as an evolutionary process in which government control is continually forfeited in favor of individual autonomy. It is an evolutionary process with no end. The asymptotic goal of this process is maximum individual autonomy and minimal government control.

The introduction of a new political principle. The social theory presented here is a proposal for a new political principle. A group of people share a set of political values. These people form an agreement amongst themselves and do not attempt to gain control over the nonlibertarian political system. They do not attempt to institute their political values on a society-wide basis. As the libertarian society is not organized on a geographical basis, the institution of the political values of libertarians amongst themselves does not negate the political values of nonlibertarians. Other groups, observing how libertarians succeeded in forming voluntary agreements amongst themselves while gaining greater individual autonomy, employ the same political principle. They try to form new agreements amongst *themselves* to reflect *their* own political values and gain greater individual autonomy. To the extent that any particular group succeeds in this endeavor, this serves as further confirmation and encouragement to still other groups that they could gain greater liberty by similar means. As an alternative principle of political action has been introduced, the attempt to gain control of the existing political system, and of other people, is no longer the only option. The perpetual cycle of “control-or-be-controlled” has been broken. Politics can once again embody the quest for freedom rather than the desire for control.

As we engage in politics, we often fail to realize that we are strengthening and reinforcing the political principles of our contemporaries. Through our political actions and strategies, we put

principles into action that are observed, learned, and replicated by others. We fail to appreciate how the political principles we employ, over time, through continual replication by others, come to pervade the entire political realm. The political principles that we put into motion today are a precursor to the political atmosphere we will experience tomorrow. And, regarding the political principles we put into motion today, we have only two choices: liberty or control.