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EFL - 19<sup>th</sup> April 2001

## **ESCAPE FROM LEVIATHAN: Liberty, Welfare and Anarchy Reconciled**

*The Groundbreaking New Book from LA Member **Dr J. C. Lester***

*"A notably ambitious reconstruction of radical libertarian thinking from the ground up." - **John Gray***

**E**scape from Leviathan is a notably ambitious reconstruction of radical libertarian thinking from the ground up. Even those, like myself, who are unpersuaded by its reformulation of classical liberalism will benefit from reading Lester's book.' - John Gray, Professor of European Thought, London School of Economics and Political Science, University of London.

'Escape from Leviathan develops a sustained and at times fresh and surprising argument for its compatibilist conclusions. It constitutes a formidable intellectual challenge to the social democratic establishment in political theory.' - Antony Flew, Emeritus Professor of Philosophy, University of Reading.

'Lester argues that utility is compatible with liberty, understood in its classically 'negative' sense. In the process, he has written a remarkable book, informed by a masterly knowledge of economics and filled with careful analytical detail.' - Jan Narveson, Professor of Philosophy, University of Waterloo, Ontario, Canada.

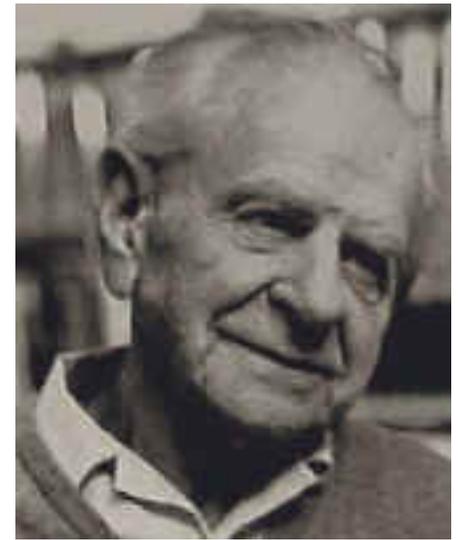
**Escape From Leviathan** can be obtained from Macmillan Press Ltd from June 2000. £40 HB. Alternatively, order from Laissez-Faire Books for \$30 (Simply click on the Icon on the first page of this Website to reach Laissez-Faire Books).

*"A remarkable book, informed by a masterly knowledge of economics and filled with careful analytical detail" - **Jan Narveson***

## **OVERVIEW**

**T**he most plausible accounts of economic rationality, interpersonal liberty, human welfare and private-property anarchy do not conflict. Using philosophy and social science, Escape from Leviathan defends this bold, non-normative, thesis from contrary positions in the academic literature. Writers considered include David Friedman, John Gray, R. M. Hare, Robert Nozick, Karl Popper, John Rawls, Murray Rothbard, Alan Ryan, Amartya Sen and Bernard Williams.

The rationality assumptions of neoclassical and Austrian School economics are reconciled and related to liberty and welfare. A new theory of liberty as 'absence of imposed cost' is argued to be libertarian. Welfare is defended as the satisfaction of unimposed wants. Practical anarchy is simply unconstrained private property. Related topics include free will, weakness of will, the nature of moralising, intellectual property, restitution and retribution. Critical-rationalist epistemology (theories can only be tested, not justified) is applied throughout. This is a ground-breaking work while remaining an excellent introduction to libertarianism and social thought.



# 1. Introduction

## 1.1. The Classical-Liberal<sup>1</sup> Compatibility Thesis

There is only one thing that is seriously morally wrong with the world, and that is politics. By 'politics' I mean all that, and only what, involves the state. By 'the state' I mean an organization that coercively imposes ultimate control on some persons and property. If you tell me what most worries you about the world, then I can often tell you how politics is the sole cause of it, or how politics considerably exacerbates it, or why you should change your illiberal opinions.

It was coming to accept this outlook that turned my focus from general philosophy to political philosophy. In particular, I came to view most political disagreement as caused by thinking that human liberty, human welfare, and the free market are often at odds with each other. All I read, including the explicit criticisms of libertarianism, seemed to me to corroborate the view that there is no practical clash among these. I call this the 'classical-liberal compatibility thesis', or 'compatibility thesis' for short, though I here defend a more explicit and more extreme version than any original classical liberal.

The classical liberals<sup>2</sup>, modern libertarians<sup>3</sup>, and pro-market economists generally<sup>4</sup>, often appear to argue – at least implicitly – for the practical compatibility of liberty and welfare in the market<sup>5</sup>. However, such arguments are rarely clear, consistent, comprehensive, and non-moral<sup>6</sup> (people usually feel obliged to take moral sides – unnecessarily, I shall argue – with either liberty or welfare). My book attempts to rectify this by clarifying the philosophical aspects of the compatibility thesis: its main intention is to be a philosophical complement to the relevant social scientific literature. It would be impossible also to explain or even to cite all that literature. When dealing with specific criticisms and alternative positions, I shall outline and cite ideas and works insofar as it would seem incomplete not to do so, so that the reader can have some idea of the overall libertarian outlook. There will not, however, be a comprehensive attempt to defend libertarianism in empirical terms. And though many of the cited works will have relevant arguments and evidence, very few of them will be consistently or comprehensively libertarian.

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# 2. Rationality

## 2.0. Chapter Thesis

The standard, modern, economic assumption of instrumental rationality holds people to be self-interested utility-maximizers. Economists usually intend this to mean egoistic preferences and perfect calculation over time. Insofar as people think this to be unrealistic, it throws doubt on the (generally pro-market) conclusions of the economists. Here we give the assumption of self-interested utility-maximization an aprioristic interpretation that may help to reconcile standard economics with Austrian School aprioristic economics. This a priori sense does not imply egoism and is not trivial. Economics requires this sense as a core assumption in order to link its results more convincingly to liberty, welfare, and anarchy. This book's conceptions of liberty, welfare, and anarchy also presuppose some such account. This chapter has proven the most troublesome and tentative aspect of the defence of the compatibility thesis, but an attempt was necessary. I hope that there is at least some general soundness in the approach.

First we shall look at the aprioristic view of rationality. Then we shall break the rationality assumption into parts and consider each part in turn. There will be a few words at the end on another key economic concept of particular relevance: demand. [Top](#)

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# 3. Liberty

## 3.0. Chapter Thesis

The classical liberal, libertarian, and principal commonsense conception of interpersonal liberty is of people not having constraints imposed upon them by other people. Such liberty is here formulated as people not having a subjective cost initiated and imposed on them (that is, without their consent) by other people. Or, for short, liberty is the absence of imposed cost. In the event of a mutual clash of imposed costs, observing liberty entails minimizing imposed costs. These two formulae are defended as capturing the conception clearly, consistently, comprehensively, and non-morally. They are used to derive property implications and to solve philosophical problems associated with this conception of liberty. Maximizing such liberty requires contingently deontological<sup>7</sup> libertarianism, which the free market anarchically provides (though the empirical arguments are, perforce, only touched on throughout the book).

First, I shall explain the chosen formulation of the libertarian conception of interpersonal liberty. This will be immanently criticized and then compared with typical libertarian alternatives. Drawing out the consequences of this novel formulation in a state of nature and purely abstractly further defends it as clear, consistent, and non-moral, and begins to show its comprehensive power. This is then tested by attempting to solve some problems that have been so usefully posed by two leading critics of libertarian philosophy: David Friedman and John Gray. This will probably deal with enough major issues in what is, in any case, the longest chapter.

Unless the context clearly indicates otherwise, no distinction will be made between 'liberty' and 'freedom', and 'libertarian' and 'liberal', and the various words having the same linguistic roots. As usual, any moral slant in quoted passages will be ignored or, occasionally, replied to merely hypothetically (for instance, the assertion that liberty undermines some value might be criticized without affirming that value).

## 3.1. Capturing the Conception<sup>8</sup>

'Liberty', in its most general sense, signifies the absence of some sort of constraint on

something. The topic here is interpersonal liberty: the absence of initiated constraints on people by other people; or, more precisely, people interacting voluntarily without constraining, interfering with, or imposing<sup>9</sup> upon each other – except to prevent or redress initiated constraining, interfering, or imposing. As ‘imposing’ seems the most general of these terms, I shall stick with that as long as it withstands criticism. Positively initiating an imposition on another is to be contrasted here with merely withholding assistance, or with defence or redress (so not just anything that anyone else might do could be described as ‘imposing’). This sense of ‘liberty’ is supposed to be the opposite of subjection and oppression: it is individual sovereignty. It is about the voluntary interaction of persons rather than selfish individualism, as its detractors sometimes misrepresent it. This is the liberty of libertarianism<sup>10</sup>, classical liberalism, and much – though not all – common sense. As far as I can tell, no one has hitherto provided an adequate account of liberty in this sense. This failure is particularly striking and ironic among those calling themselves ‘libertarians’. I shall attempt a clear, or at least clearer, way of expressing this idea that is capable of dealing with various problems.

There are many different ways in which people might impose on each other. I want to cover as many relevant types of imposition as possible. Subjective cost, as opposed to benefit, seems to catch this broad meaning and so will be used until refuted. A ‘subjective cost’ is, roughly, a loss of what one wants; a ‘benefit’ is a gain. The ideas of cost and benefit here obviously relate to the person’s unimposed desires: those not manipulated by initiating force (physical power) or fraud – as these are themselves imposed costs. This rules out, among other things, conceptions of ‘positive liberty’ that really involve paternalism. So I can now define ‘interpersonal liberty’ as ‘people not having a subjective cost initiated and imposed on them by other people’. Or, for short, ‘liberty is the absence of imposed cost<sup>11</sup>’. (I shall also sometimes write ‘impose’ instead of ‘impose a cost’.)

I am not concerned with words or the ‘essence’ of the concept of liberty. I have no argument with those who prefer to restrict the use of ‘liberty’ to some other sense, such as the ‘absence of any constraint on movement’. The chosen formula is intended to capture what libertarians and classical liberals require for practical purposes; it need not be necessary and sufficient for all logically possible situations<sup>12</sup>. As it does seem to capture the relevant sense of ‘liberty’ it seems reasonable to use that word, but the use of that word does not affect the substance of the theory; another word could do the same work.

One important contrast with this sense of ‘liberty’ is ‘liberty’ as a mere zero-sum game whereby any loss in my interpersonal power must be exactly balanced by an increase in the power of others: if I lose the interpersonal power to exercise free speech, then this must mean that others gain the power to keep me quiet. This position is even reached by the libertarian philosopher Hillel Steiner (1983). Such ‘liberty’ cannot be protected or promoted for all (specific powers can be, but not power as such); it can only be fought over by all. People sometimes seek ‘liberty’ in a way that entails this ‘power’ sense, to the detriment of people’s liberty and welfare as more normally understood. Classical liberals, such as Herbert Spencer, sometimes write of equal liberty and thereby seem committed to this zero-sum view<sup>13</sup>; but equality, like democracy (see 3.6.d), is one of the various inconsistent accretions to classical liberal thought. There are, of course, many other uses of ‘liberty’ that it would often make much more sense to replace with ‘ability’, ‘autonomy’, ‘opportunity’, ‘choice’, ‘want-satisfaction’, ‘moral action’, ‘license<sup>14</sup>’, ‘self-realization’ or any number of other things; but it would be a distraction to illustrate and discuss such examples here.

A fuller understanding of this formula will emerge through its criticism and application, but there are a few things we can note immediately about it. Such liberty admits of degrees: we can say that someone has liberty to the extent that a cost is not imposed on him; and in any mutual clash of imposed costs the libertarian policy formula (which I shall focus on shortly) will be to minimize any imposed costs.

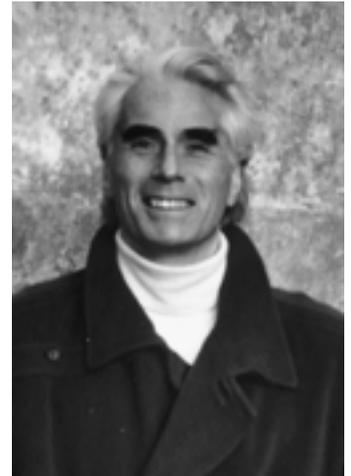
The idea of not imposing a cost is obviously something like J. S. Mill’s problematic principle of not

causing harm (Mill [1859]). In what follows, 'imposed cost' – though somewhat complex – should not prove as radically indeterminate as 'causing harm'. Some people, particularly economists, might think that 'harm' would be more accurate, and that this step is regrettable because of the difficulty in economics of getting people to see that costs consist of the foregone opportunities of decision-makers. The problem with 'harm' is that, in plain English, 'harm' (or 'damage') is fairly objective: so it must be libertarian to harm (or damage) people with their permission. It might seem that I could still define unlibertarian acts in terms of imposed harms. But that will not work either because preventing a harm to someone against his will is also imposing on him. These problems are solved by using '(subjective) cost' instead. Then, however, I am unsure which of two things to say – but one of these must be right and either will do: 1) the 'cost' I am using is an opportunity cost (so there is no inconsistency with economics), but it must also be imposed to be unlibertarian; or 2) this is a different sense of 'cost', but there is no more reason to fret about the essence of 'cost' being misunderstood thereby than there is for philosophers of science to worry about 'induction' being used differently in mathematics, electro-magnetics, and ceremonies.

The non-moral and causal contrast between imposing a cost and, merely, withholding a benefit I also suppose can clarify and replace the intuitive contrast behind the act-omission distinction<sup>15</sup>: for there is not a consistent, objective, and causal difference between the results of mere action and inaction<sup>16</sup>. So active and passive impositions will not require separate treatment.

*Robert Nozick >*

I am interested only in what costs people impose on real persons (I am not considering other animals here, though it is possible for them to cause and suffer imposed costs). An imposed cost is always on a person as a continuing agent. A mere statement of the present facts can never demonstrate that any cost has been imposed. The previous interactions among the agents have to be known. This might look like what Robert Nozick calls a historical principle rather than a patterned principle (1974, 153–60), but it is not a moral principle, it is a conceptual point. Analogously, shooting someone dead could be an accident, euthanasia, execution, self-defence, and so on, depending on the historical circumstances and intentions: none of these descriptions is necessarily about morals. Someone could accept this formulation of liberty while thinking it to be a bad thing in practice. He could not do this if the theory were inherently moral (for example, 'the absence of immoral constraints'). There is something that this conception of interpersonal liberty is, and whether it is morally desirable is a separate issue.



It should be noted that no particular system of property is necessarily entailed by this view of liberty. Neither is it logically necessary that such liberty maximizes welfare (in the sense of want-satisfaction). However, this does not show that these things are purely 'empirical' matters, and so must be left entirely to the social scientists. We already have much of the requisite social scientific evidence. The task is to establish links between such evidence and the conceptions being defended. There are logical relationships among these conceptions and the evidence that are not obvious and which need defending. There are some putative logical relationships that are mistaken and which need criticizing.

This may now seem rather obscure and unlike the view of liberty we are attempting to capture. But this view of liberty should be visible throughout the chapter as the formula is applied. Rather than say more to elucidate 'imposition', 'cost', or 'minimizing' separately (which would risk degenerating into a fruitless attempt to 'justify' a mere form of words), further clarification will now be attempted by way of considering fundamental criticisms of the libertarian policy formula of 'minimizing imposed costs'.

Throughout, I shall be trying to work out the genuine implications of this conception. Other

people might well see many of my interpretations as mere personal intuitions that are biased in the direction of the compatibility thesis. But as I have so much basic ground to cover to develop the general theory, and cannot possibly guess which points will prove the most controversial and for what reasons, I am obliged to wait until any specific points are helpfully made in criticism of this book. However, I shall occasionally contrast my account with some relevant libertarian alternative interpretations, particularly those expounded by Nozick and Rothbard as their libertarian theories are two of the most thorough and sophisticated that I know of. [Top](#)

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## 4. Welfare

### 4.0. Chapter Thesis

The conception of welfare used by preference utilitarians and many modern welfare economists is that of want-satisfaction. This is here understood as people having what they spontaneously want (that is, the want is not imposed in any way that is incompatible with libertarian liberty). This will be defended only as a plausible and practical conception of welfare, not as an ultimate good or a moral end. Maximizing such welfare, as with maximizing interpersonal liberty, requires contingently deontological libertarianism<sup>17</sup>. Also as in the previous chapter, of course, the free market is held to provide such liberty anarchically. Here though, as the very idea of such welfare is not quite so philosophically problematic, there is more discussion of the (non-moral) reconciliation of liberty, welfare, and anarchy. So this chapter defends the compatibility thesis more broadly.

First the relationship among welfare, liberty, and the market is outlined. Then, broad and approximate, interpersonal utility comparisons are defended. The conception of want-satisfaction welfare is clarified and criticisms considered. Some practical and economic implications of promoting such welfare are discussed. Finally, the key issue of welfare's relationship with private property is discussed in more detail.

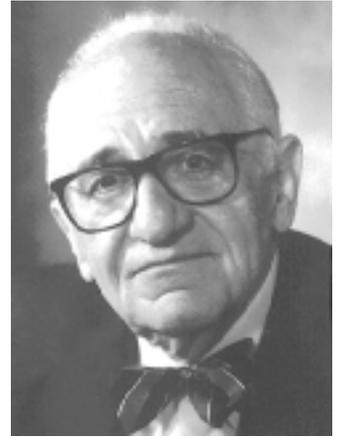
Throughout this chapter the terms 'welfare', 'utility', 'utility-maximization', 'utilitarianism', and 'preference utilitarianism' refer to unimposed-want satisfaction – and should in principle be capable of translation into such 'want-satisfaction' terms or expressions – unless the context clearly distinguishes them. [Top](#)

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## 5. Anarchy

### 5.0. Chapter Thesis

Private-property anarchy is better than the state in the enhancement of liberty and welfare. Strictly speaking, market exchange is one aspect of private-property anarchy. But I here focus on market-anarchy as that is a main source of confusion and debate. Similarly, pluralism is another aspect of private-property anarchy. I focus on pluralism as an example of a currently popular topic where private-property anarchy is misunderstood. 'Pluralism' here means '(tolerating) different ways of life'. 'The market' means 'voluntary exchange'. 'Anarchy' means 'no rule'. Both interpersonal liberty and private property are inherently anarchic: no one is ruled to the extent that these exist. They are also naturally pluralist. The state, by contrast, coercively imposes ultimate control and is thus inherently illiberal and naturally Procrustean. Democratic prejudice obscures these facts.



This chapter is shorter because anarchy is simply interpersonal liberty and private property at their most consistent and because there is little serious philosophical criticism of anarchy to deal with. Basic conceptual confusion and mere prejudice are more the real problems. The social scientific literature is considerable, of course, but largely outside the scope of this book. First, I clarify various key matters about which there is popular misunderstanding. Then I consider some typical pro-state views of an influential 'modern liberal' philosopher, John Rawls. Consistent with the non-advocatory nature of the compatibility thesis, any mention of morals is intended merely to argue that anarchy is more compatible with some assumed example than is the state. [Top](#)

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# Notes

## 1 Introduction

1. I generally use 'liberal' in the broadest classical sense throughout (which includes modern libertarians but excludes statist, so-called, liberals), unless the context clearly indicates otherwise.
2. In a sense that includes, without going into more precise categories, such writers as Hugo Grotius, Samuel Pufendorf, John Overton, John Locke, David Hume, Adam Smith, Adam Ferguson, Baron de Montesquieu, Marquis de Condorcet, James Mill, John Stuart Mill, Richard Cobden, John Bright, Herbert Spencer, Benjamin Constant, Alexis de Tocqueville, Wilhelm von Humbolt, Ludwig von Mises, and F. A. Hayek (this list could be much longer, and it omits many with at least as good classical liberal credentials).
3. Robert Nozick (at least as found in his 1974) is the most widely known libertarian. The free-market anarchist writings of Murray Rothbard and David Friedman are becoming better known. See also the libertarian philosophical writings of John Hospers, Tibor Machan, Jan Narveson, and Hillel Steiner.
4. For instance, many in what are sometimes known as the Chicago School (such as Milton Friedman, George Stigler, Ronald Coase, and Gary Becker), the Virginia School (such as James Buchanan and Gordon Tullock), and the Austrian School (such as F. A. Hayek, Ludwig von Mises, and Israel Kirzner). Hayek, Buchanan, and all those listed as Chicago School economists, have won Nobel Prizes for Economic Science.
5. I shall not discuss how far this is true in individual cases. For expositions and discussions that include this issue, see Barry, N. 1986.
6. I use 'non-moral' because of the somewhat pejorative connotations of 'amoral'.

## 3. Liberty

### 3. Liberty

7. '*Contingently* deontological' here means not allowing that X be done in an *attempt* to prevent more examples of X's being done – because the attempt will usually fail. In this book consequentialism is accepted in principle, at least for the sake of argument. So this is a form of rule consequentialism. This view thus differs from Nozick's conception of a 'side-constraint', which is inherently anti-consequentialist (Nozick 1974, 30); see 3.5.c.
8. A version of 3.1, 3.2, and 3.4.a first appeared as Lester 1997a.
9. Obviously, such prevention and redress do not themselves *initiate* constraining, interfering, or imposing.
10. As found, for instance, in the works cited in the bibliography by David Friedman, John Hospers, Tibor Machan, Jan Narveson, Robert Nozick, and Murray Rothbard.
11. Since coming up with this simple but comprehensive formulation of interpersonal liberty in 1989, I found that David Gauthier (1986) uses the idea of not imposing costs, though less consistently, in an attempt to derive morality contractually. He would also, unwittingly, be deriving the objective libertarian solutions to problems – which he thinks will clash with welfare-maximization (104–5) – but for certain key differences. It seems relevant to mention a few of these differences and then briefly comment (in brackets), though his *general* contractual-morals thesis is not strictly inconsistent with my non-contractual, non-moral use of 'not imposing costs' (which can only be elaborated during the chapter).

In a state of nature, Gauthier supposes, imposed costs do not require rectification unless social interaction takes place (207–12) (rectification follows from merely observing 'liberty', as used here). He takes perfect competition (for example, 97) to be a realistic criterion of market efficiency (contra many pro-market economists, but especially Austrians) that the state can correct for without imposing costs (as though taxation need not impose on people). He uses fantasy-world possibilities (for example, 263) – what things *might* have been like in a so-called 'fair' social situation – to decide what *actually* counts as imposing costs in this world (as though one can positively impose on others merely by enjoying one's good fortune). Not least, Gauthier elaborates a complicated theory of constrained maximization (but, as Axelrod 1984 shows, iterated Prisoner's dilemmas mean that this is quite unnecessary: such 'morals' are not needed for co-operation when we know that there will be repeated interactions with identifiable others).

12. The formula is certainly not intended or obliged to be a defense of libertarianism as an ideology, as Will Kymlicka suggests (personal communication), though I can see how one could also use the formula in that way.
13. For problems with equal liberty in Spencer, Steiner, and Hart see Gray, T. 1993.

14. 'License' is here understood as roughly the opposite of 'liberty': imposing a cost on another. I do not see that the liberty/license distinction is inherently moralised. For instance, Roger Scruton's example looks objective enough to me: 'Intuitively the distinction is easy to grasp: it is an infringement of my liberty to prevent me from walking out of my house, but only the removal of licence to prevent me from then abusing, assaulting or murdering my neighbour.' (Scruton 1983, 'Liberty', (ii) Liberty and licence). Modern 'liberalism' would be more accurately called 'licensism' (and 'liberals', 'licensists'): it is not about tolerating liberty but, rather, acts which impose on others.

In any case, given the definition of libertarian liberty that I come up with, any action that does not fit that definition will be, by that definition, a license from a libertarian point of view. This is only like saying that granted the truth of the bible, for the sake of argument, certain things will be 'sins'. That is not to say that there really are sins or that these are what they are.

15. The search for this distinction, with respect to the morality of abortion, put me on the path to libertarianism in 1979.
16. An ethical aside: for some of the moral differences between imposing a cost and withholding a benefit, see Nesbitt 1995.

#### **4. Welfare**

#### **4. Welfare**

17. See the first note of the previous chapter.

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