

Excuses for Liberty

By Carl S. Milsted, Jr. PhD

“I do not believe in or advocate the *initiation* of force as a means of achieving political or social goals.” Thus, do all members of the Libertarian Party pledge. That is, we have vowed that as soon as we achieve the political power to do it, we will completely eliminate all taxes other than a few user fees. That is:

- If the current asset value of the land and facilities held by the federal government is less than the bond liability, then screw the bondholders. It doesn't matter if this causes the United States to become a financial pariah, unable to float bonds in the future.
- If the sale of assets fails to provide enough cash to purchase annuities to replace current Social Security obligations, then the geezers will just have to settle for Alpo.
- If people don't voluntarily pony up enough cash to support a sufficient military, then they'll just have to rely on their own personal assault rifles and front yard minefields.

I could go on.

Is it any wonder that the Libertarian Party has had such great difficulties getting people elected? Surely the insanity of the above implied campaign promises is a far bigger factor than restrictive ballot access laws or a hostile press. Of course, most LP members I have encountered (including myself) are willing to compromise enough to allow a phase-out of government services on which many depend. Most of us are willing to put up with some taxation in order to protect the nation from military conquest. Like good politicians, we intend to break many of our campaign promises. But why make campaign promises that are overwhelmingly unpopular?

A motion was brought before the party to abandon the idea of requiring a membership oath. This was rejected at the convention. The Oath exists for a very good reason: there is a very real fear that pragmatic compromises will cause the LP to dilute its principles to the point that it fails to justify its original reason for existence. There is ample precedent; the Democratic Party is, after all, the party of Thomas Jefferson.

But an uncompromising Libertarian Party also has no reason for existence. To have a positive effect, it must be able to field candidates that can attract at least 33% of the voters in an electoral district. This has been done. However, I wonder how many of those candidates actually promised to follow through with the logical implications of The Oath.

Ironically, the only way a group of people who follow the non-initiation of force directive literally could take over the government would be to resort to violent overthrow (in self-defense, of course). However, I for one, am unwilling to risk my soul by blowing away IRS agents and other annoying bureaucrats. Liberty and prosperity are all very nice, but they are not worth going to Hell over. And even without the afterlife implications, the loss of a third of my paycheck is a far lesser loss of my personal freedom than the consequences of joining a violent underground revolutionary movement. I suspect most libertarians share with these sentiments. Thus, the non-democratic approach is also non-viable.

The obvious solution is to adopt an alternative to the current oath, one that allows some temporary flexibility while principled long-term action. However, this is not so easy. The current oath is an elegant summation of the natural rights defense of liberty, and it is the natural rights defense of liberty that is excessively uncompromising. A movement for a new oath could very easily recreate the same defect as the current oath, for the natural rights faction is powerful within

the party. More to the point, about the only alternative defense to liberty is the utilitarian, and the utilitarian defense is notorious for leading to excessive compromise.

In this article I will present a new (?) approach to defending liberty, a broad approach that encompasses the arguments of both the natural rights and utilitarian approaches. It is a fuzzy, rather than binary approach, and as such is elastic, rather than brittle or malleable. Its breadth provides a firm foundation without requiring one to be a fanatic on any particular point. Based on this approach I will suggest an alternative membership oath for the LP that allows a broad enough base to attain political viability without excessive dilution of principles.

The Utilitarian Excuse for Liberty

The libertarian position has been mostly defended on two grounds. The first is the natural rights position: by some philosophic argument a moral postulate is asserted that initiating force against another is wrong. By logical derivation this rules out theft, slavery and, eventually, National Public Radio. The beauty of this approach is that it is only necessary to convince the potential convert of one thing, the aforementioned postulate, and the entire LP platform follows logically more or less.

A serious problem with this approach is that it requires people to adopt an alien mode of thought; most people do not try to compress their ideals into a few syllogism trees. For this reason, many if not most Objectivists focus on teaching this alien thought pattern; the first priority is to teach philosophy to the masses. For many of these Objectivists, the libertarian movement is a distraction from this quest.

It is not enough too teach the masses to be philosophers, as hard as that is by itself. There are plenty of other philosophies to chose from. Most them are harder to understand, ergo, more profound. Of those people who do organize much of their being hierarchically, many reject the nonaggression postulate. We call them college professors. Such people are generally quite adept at tearing apart *a priori* arguments in favor of any system of natural rights, just as we are adept at tearing apart their rationalizations for the vile philosophies they hold. This symmetry comes from a simple fact: it is not possible to prove an "ought".

There is a bigger defect in the natural rights argument that turns off philosopher and non-philosophers alike: it leads to extreme conclusions. Most people are taken aback when told that voting for a tax to pay for national defense is evil, blowing away tax collectors in self defense is OK, cutting off widow's Social Security checks is necessary if funds cannot be found voluntarily, and so on. Initiating force is evil, but it is not the only evil.

The main alternative defense is the utilitarian; that is, that liberty, in the form of free market capitalism, has many wonderful side effects. It produces a much higher level of general wealth, which even benefits the poor in the long run. With basic needs fulfilled, people can afford to do such nice things as preserve the environment and historic treasures. They have time for art and philosophical discourse. The wealthy and middle class can give significantly to charity while still parking imported luxury cars in large garages. As for the government that remains, it can be run more efficiently as it is now focused. The resulting process is more democratic, since the number of issues per election is reduced so that the "lesser of two evils" factor is reduced.

All these are good arguments for liberty. Indeed, they have proven themselves in the field. Politicians of the major parties have used them to success to get elected. They have a persuasive power such that even liberal Democrats have been known to yield to them. We even have a *major* political party that bases its marketing campaign largely around utilitarian

arguments for liberty: the Republican Party. With their majority status in the legislature secured they have accomplished – not very much.

Utilitarian defenders of liberty have been proven to be very mushy. Against a determined, principled opposition, they move in one direction: backwards. They may slow the onslaught of socialism, but they rarely push back the tide. When the natural rights advocates point this out, they have a point.

Let's take a moment to ponder why this is so. On paper, utilitarian arguments can be very powerful. However, we are talking about a lot of paper; the utilitarian arguments are also quite bulky. The failures of government programs are legion. However, they fail in many different ways. One is faced with dissecting each socialist proposal as it arrives. This requires more than a sound bite. And as one desperately tries to give a lecture on economics through the popular media, the opposition is busily touting the benefits of their program, or the evils of the status quo.

Not only are there a large number of arguments to deal with, the arguments require multiple steps. The benefits of capitalism are not always obvious. To make them so to the voters requires conferring economic knowledge to the masses. This is only slightly less difficult than turning them all into philosophers. And much of that knowledge will be focused towards trying to "fix" socialism. There exists a large group of people with economic knowledge who nonetheless oppose free-market capitalism. We call them college professors.

This endeavor is not entirely hopeless. It is possible in general terms to convey the threads common to many arguments defending capitalism over government programs. To wit:

With private ownership, people have an incentive to preserve existing resources and create new ones. With unrestricted trade, resources find their way to those who have the most marginal benefit from them [sort of, the poor present a problem here]. Capitalism leads to great wealth for the populace of the whole. And when property rights are properly defined and enforced, the beauty of nature (a thing of value to many, ergo, a form of wealth) is also largely preserved.

The government program alternatives, by contrast, suffer greatly from wasted efforts and resources, and ugly side effects. Legislatures are by nature inefficient. Special interests guide government efforts away from serving the general weal. Attempts to follow a rule of law leads to tortuous red tape when governments attempt to deal with detailed special cases. Attempts to eliminate this red tape places arbitrary power in the hands of unelected government agents. And so on.

These are good points. Libertarians do well when they point these things out. They are vital to the defense of liberty. However, they are not sufficient. Having made these points, you still haven't *proven* that free-market garbage collection is better than a municipal system. The delayed benefits of each aspect free-market capitalism still need to be pointed out to the impatient. Hidden victims of each government program need to be revealed. The creatively destructive nature of the market needs to be defended in each case.

Defending liberty on purely utilitarian grounds is a recipe for being pecked to death by ducks.

This brings us back to one of the apparent benefits of the natural rights approach: all one has to prove is the non-aggression axiom and the rest follows. Harry Browne based his presidential campaign on a utilitarian version of the "on axiom proves all" approach. He simply stated "Government doesn't work."

This is a nice feel-good slogan for existing libertarians. It is a true statement when applied to many different government programs. The number of government programs that don't

work, or work poorly is myriad. The negative side effects of government programs are incredibly damaging to our society. These factors can hide the one small problem with this slogan: it is a bald-faced lie.

Retirees *are* receiving their Social Security checks. Food stamps are reaching many poor people. The public schools are teaching most of the children how to read. The police are able to quell general civil unrest. The military has prevented this country from being conquered. The government *is* working. Governments may be expensive. Governments may have unpleasant side effects. But governments do frequently accomplish what they set out to do. Unfortunately, government *does* work.

Indeed, if government doesn't work, how come most of the inhabitable regions of the planet are ruled by government? If one were to base conclusions on observations, the obvious conclusion is that *lack* of government doesn't work. I am not ruling out the possibility that anarcho-capitalism could be made to work. However, burden of proof definitely falls hard on the shoulders of the anarchist. Simply removing government does not do the trick. Albania and Somalia are hardly libertarian paradises.

Perhaps the slogan should be changed to "Government doesn't work as well as the free market." This is better, but count-examples still scream out at the average voter. Just who is going to pay for that free-market military? Can I buy some law that allows me to shoot my annoying neighbor? Are competing toll roads really practical in rural areas? Do the savings from competition make up for the inefficiency of building extra roads?

Perhaps we drop back to "Government doesn't work as well as the free market except for certain basic services like law enforcement, the military, and road-building." We are getting into dangerous ground here. It may turn out that there are free-market law enforcement, military and road-building opportunities in some circumstances. The above statement appears to rule them out. And we still haven't fixed the fact that we have made a blanket statement that is false in some cases.

Consider the tasks of taking care of the aged with no descendants or of taking care of the severely retarded with no living relatives. These tasks cannot be funded at a profit. While a charitable agency will pinch pennies better than a government agency, it is quite possible that the fund-raising power of government more than compensates for its inefficiency. It is *possible* that here government works better than the voluntary alternative in this important instance.

And from my perspective, government does work better than the free market in some trivial fields: I will take BBC over ABC any day; likewise, PBS over CBS. I think space travel is cool. The government put a man on the moon nearly 30 years ago. The market has yet to come close to this feat.

I could go on. And the advocates of government programs do go on – and on and on. With a pure utilitarian basis, the argument of liberty vs. tyranny can and does degenerate into arguments over who does a better job of picking up the garbage.

To be blunt: for me to argue the case for liberty simply on its utilitarian benefits is dishonest. I don't support the free market because it gives private garbage men the incentive to move faster than their city-employed counterparts. If someone were to come to me with a new form of socialism that produces more economic growth and/or stability than the free market I would still reject it. The plain fact is that I love liberty; I hate being told what to do at implied gunpoint.

Honesty compels me to admit that both natural rights and utilitarian arguments are simply rationalizations.

The Desire for Moral Arguments

“We should have a minimalist state limited to protecting life and liberty...because we like it that way!” Hmmm, sounds rather selfish. Besides, how well does this argument hold up against: “We should have a single-payer system of socialized medicine because we need [want] it!” Or how about: “Everyone should ride a tricycle to work because we don’t like smog!” Or even “The mere thought of you getting stoned in your own house is offensive to us, go to jail!”

A temptation at this point is to somehow *prove* that the desire for liberty is somehow morally superior than these other desires. Generally, these “proofs” are applied to a subset of what constitutes liberty: that one has a right to be free from the initiation of force from others. This is a good starting point. Societies based on this premise are definitely better to live in (from my perspective) than those that are not. And this idea is found in many moral systems. Even in communist countries theft and murder by individuals are forbidden.

One can enumerate a host of reasons why initiating force against another is bad. For starters, there is simple self-interest: I don’t like being at the wrong end of a gun. Then there is empathy: I don’t like seeing others subjected to this treatment. There is the dislike of violence: occasionally that gun must go off to make the threat real. There are the utilitarian arguments: when people restrict their interactions to voluntary ones, overall wealth grows exponentially. There is the fairness argument: the non-initiation of force directive should be applied to everyone. Finally, there are arcane philosophical arguments such as Hans-Hermann Hoppe’s: for philosophic argument to be possible, the debaters must have self-ownership¹.

Any deconstructionist worth his salt can shred these arguments in a few sentences². Perhaps I deserve to be at the wrong end of a gun, and the same goes for other people. To elevate this dislike to a moral axiom is pretentious. And as for violence, we are all going to die anyway. Maybe a violent end is better for our souls than a peaceful one. War builds character. As for the utilitarian arguments, who says general prosperity is a moral absolute? Perhaps humanity deserves poverty. And who says a moral axiom must apply to everyone? The king is above the law of peasants; the king is under other laws. As for Hoppe’s argument, it simply isn’t true. Two prisoners of a third party can debate freely all they want when the guard is not listening. This happens. Indeed, I have heard it said that people in the European welfare states do more philosophical debating than in the freer United States.

For any justification of any moral absolute, the question can be asked “Why?” The answer can be responded to with another “Why?” *ad infinitum*. The only way to close the argument is to render it circular. The truly great philosopher can hide this circularity in unreadable prose, thick with nested clauses built with pronouns, prepositions and helping verbs, such that the mind becomes so dizzy that circularity becomes natural.

Like it or not, any moral axiom must be assumed into existence. Sometimes the stated axiom is actually a theorem, derived from other axioms. But in the end, the actual axioms used are simply the product of some desire, “whim” if you will. The religious might argue that their moral imperatives are based on more than desires (“whims”). They are wrong. They are simply basing their morals on the desires (“whims”) of the Creator. Indeed, they have the further unstated whim of desiring to please the Creator in the first place. Other moral systems are logically feasible. Indeed, many Gnostic sects considered obeying the creator to be a sin.

Ayn Rand made the bold claim that she had transcended the is/ought dilemma by basing her moral system on an objective value: survival³. A deconstructionist could ask “Why survival?” but suppose we bypass that and concede her point. Basing morality on survival does not lead to a libertarian society. It does lead to some degree of capitalism; for a prosperous society has a higher survival rate. However, it leads to many other conclusions that make libertarians unhappy. For

starters, if survival is the basis of morality, then the Safety Nazis are right. Speed limits on the interstates should be set down to 45 miles/hour and the limits rigidly enforced. Cigarettes, guns, booze, recreational drugs, deep-fried foods, staying up late, and so on *ad nauseum* should be illegal. The welfare advocates also have a point. Directing productive activity from making luxury cars to feeding and caring for the poor can lead to a higher survival rate. One could even demand a mandatory eugenics program or a government-financed program of space colonization on the value of human survival.

Of course, Rand qualified this value to be survival of Man *qua* Man, with Man being defined as “a rational animal.” This opens up some interesting possibilities: Do stupid people fall under the definition of “Man”? How about the senile? Infants? New Age fluff heads? Can we treat them as game animals? Pets? Slaves?

Her novels reflect a serious disconnect between her definition of Man and actual humans. We have John Galt giving up potential tycoon status to be a menial worker on a railroad – out of a sense of self-interest [*sic!*]. We have Francisco D’Anconia intentionally throwing away his family fortune, pretending to live the life of a playboy without getting laid – once again, supposedly out of “rational” self-interest! To us normal humans, these actions look like self-sacrifices, albeit for the cause of free-market capitalism.

The unrealistic definition of “Man” is essential to this natural rights derivation. Without it, we have some non-libertarian possibilities. The liberal could point out that “Man is a food-eating animal”, therefore for Man to exist *qua* Man, he needs food, and has a right to government-provided food, accordingly; or “Man is a naked animal”, so for Man to exist *qua* Man, he has a right to either clothing and shelter, or tropical real estate; or even “Man is a social animal” so for Man to exist *qua* Man, he must have social status, even if unearned.

The quest for an ironclad, *a priori* justification for a libertarian form of law is a futile one. I learned this the hard way, for I was on it myself for many years. I was greatly enamored of the ideas behind Rothbard’s *The Ethics of Liberty* and had more than a passing fancy with Ayn Rand’s writings. On many occasions, I put these ideas to the test on the philosophical battleground. Many times I found myself defending untenable positions: axioms that cannot be proven and conclusions that are extreme. The proposals I made were usually good, those of my opponents, generally unworkable or even counterproductive. Yet these facts generally got lost in the philosophical nitpicking. Whenever I pointed out an atrocity or absurdity of government in specific, my debating opponents could dodge by countering with a similar attack on the complete lack of government. Their attacks had merit, as the natural rights positions I held logically called for such complete lack. Eventually, I grew tired of losing.

But suppose I am wrong. Let us suppose that some brilliant philosopher within our movement comes up with *the* logically consistent, brilliant derivation of why morality starts *a priori* with the non-initiation of force. The arguments are so compelling that her books are made mandatory reading in philosophy departments across the land. So what? How will this bring about a free society? I admit to having trouble following some of the more arcane natural rights essays in this journal, and I am a theoretical physicist by training. Consider the reasoning of the average voter. Is Joe Six-pack going to voluntarily give up his right to Social Security payments because some philosopher proved that self-ownership is a necessary precondition to the dialectical process?

I think the simpler argument is more compelling. Freedom is good. Period.

The Power of Humility

Freedom is good, but it is not the only good. There is also charity, fairness, respect for the Creator, respect for the Creation (environment). Initiating force is evil, but it is not the only evil. Taking advantage of someone else's naiveté is also evil. Failing to properly take care of one's family is evil. Wiping out a species is evil. Being a selfish jerk is evil.

There are situations where the cause of charity outweighs the cause of liberty. There are situations where preservation of the environment outweighs the right to private property. To deny this is to forfeit political viability. Indeed, to live life by a syllogism is to forfeit a large piece of one's humanity.

Anyone who has argued the natural rights viewpoint to a hostile audience has been presented with these situations. The Liberty Poll presented a few of them. I could illustrate further, but instead will resort to the principle that it is easier to see someone else's flaws than one's own. The hubris of basing all morality on a few axioms is not unique to natural rights libertarians.

- The communists noted properly that while some basked in luxury, others suffered in extreme poverty. They focused on this noble sentiment to the exclusion of all others. The results killed millions.
- The Nazis noted the evils of communism, and ignored all other moral imperatives in the quest to destroy communism (and anyone even distantly related to Karl Marx).
- The drug warriors note correctly that many people are not able to handle their highs. In their quest for sobriety, they have denied pleasure to responsible users, trashed the constitution, killed many, imprisoned many more, and thrown honesty out the window.
- Environmentalists are notorious for measuring commitment to the environment in terms of how much one is willing to sacrifice to the cause. They are quite happy calling for the adoption of extremely expensive and inconvenient technology in order to make small gains in environmental quality. As an example, consider the push for electric cars.

Libertarians have been known to take similar extreme positions as an outgrowth of natural rights reasoning. Consider: it is safe to say that generosity would go up if taxes were reduced. It is also true that the resulting rising tide would lift enough boats such that fewer would need charity. But would this compensate for the elimination of social programs? I hope so, but I do not *know* this to be true. What experiment proves this not to be the case? Is the correct answer "screw the poor", or allow some taxation to make up for the shortfall?

Do not dodge this question: if given the choice between having a luxury tax on nice cars and houses, or having poor children go malnourished, which will it be? To answer the latter is to declare oneself an evil jerk. This does not win votes.

Hopefully, this question may be irrelevant in the long run. It is possible that a purely libertarian society will not need coerced charity. But this is not *a priori* true. One must be ready for the answer if it is not. It is definitely *not* true during the transition period.

There is a second danger to having a monochrome view of moral issues: failure to look at the pragmatics. Even if one is purely concerned with charity, the environment, or liberty, it behooves one to look outside one's tunnel of intent. Often times, a monomaniacal quest can backfire.

- Any effort at poverty elimination that makes more donations from the wealthy (forced or voluntary) its sole measure of merit will fail utterly in its goal. If the rich were to give away their wealth completely, then capital would be transferred from producers to consumers with the result of everyone becoming poor. There is a balance.
- The creation of huge penalties for drug dealers has led to children becoming the ideal frontline drug dealers because juvenile law is more lenient.
- If new cars are made extremely expensive to get rid of the last few sorts of emissions, then people will drive older cars longer, with the result of higher overall emissions. If society is impoverished by extreme environmental regulation, then human issues gain a higher marginal value compared to environmental issues; the result is a backlash.
- If all who hate violence become complete pacifists, then the violent will rule the world.

The Libertarian Party fields candidates with a platform so extreme that they cannot win elections. Some libertarians are so extreme that they cannot participate in elections at all. Wendy McElroy has stated that she would rather have Adolf Hitler elected than give [sovereignty] to the electoral process by participating in an election in order to vote against him⁴.

Moral Philosophy: an Economic Approach

I suspect some readers find my “whim” basis for moral philosophy unsettling. I know I was quite disturbed when I first gave up on the natural rights approach. There is something comforting and elegant in having a tight axiomatic approach to such issues. However, reality is far fuzzier, and it is best to deal with it. To do so, let’s admit some fuzzy realities:

1. Moral standards are ultimately derived from aesthetics. In the English language “good” can mean either pleasant or morally right; “bad” can mean unpleasant or evil. There is a reason for this; the concepts are tied together. Evil is a subclass of bad.
2. There are many qualities that can go into what people call good vs. bad. What constitutes a good restaurant is a combination of the taste of the food, the nutritional value of the food, the ambience, convenience of location, the speed of service, price, and so on. Similarly, what constitutes a good person is a combination of such qualities as productivity, generosity, politeness, bravery in battle, prudence, responsibility, nonviolence, and so on.
3. These virtues can be viewed atomically. There is no compelling need to derive from the definition of restaurant what combination of food quality, speed of service and so forth is optimal. To do so is generally an exercise in highbrow silliness.
4. These qualities are not binary. There are degrees of cheapness, of food quality, of speed of service. Likewise, there are degrees of productivity, generosity and so on. Sometimes we can assign an actual number to these qualities (time to be served, dollars given away), sometimes we are left with vague comparatives (ambience, taste of food, politeness).
5. These qualities frequently conflict. Good food usually costs more than mediocre food. Ambience often conflicts with convenience of location. Delicious food is often bad for our health. The same goes for moral actions. Productivity and generosity can go together (you cannot give what you don’t have) to a point, but above a certain

level of either trade off (giving away capital leads to low productivity). Bravery in battle conflicts often with prudence and always with nonviolence.

6. The values of the virtues are situationally dependent. A fast, cheap restaurant makes for a lousy date, but a good weekday lunch. Bravery in battle is a vice if one is fighting on the side of evil (Nazi, Commie, etc); it is a virtue when fighting against evil. Sometimes it is best to be impolite when encouraging others to be more productive or responsible.

There is a science that deals with such fuzzy, conflicting qualities. This science long predates fuzzy logic. It was even once a branch of moral philosophy. It is a science with which libertarians are especially well acquainted. I refer, to economics.

It is ironic that the libertarian movement does not have a faction advocating an economic (vs. legalistic) view of moral trade-offs.

When analyzing the trade-offs (opportunity costs) that people deal when acquiring things of value, economists think in such terms as marginal utility, supply, demand, comparative advantage and so on. These same mental tools can be applied to determining laws to enforce ideals of moral value (non-initiation of force, environmental preservation, justice, mercy...).

Instead of arguing whether liberty is more or less important than charity or environmental protection, it is better to look at the marginal price/benefit of a particular action in terms of liberty, charity, the environment and so on. For example, cutting food stamps would impose serious hardships on many of the recipients. At the same time, a cut (or even elimination) in the food stamp program would still be a very small cut in the size of the federal government. The need for an income tax (or equally invasive tax) would remain. Thus, the marginal gain in liberty would be minimal. Similarly, paying a small group of biologists tax dollars to nurse a nearly extinct species back to health is a miniscule loss of liberty and a large gain for the environmental cause.

On the other hand, eliminating entitlements for the middle class can result in huge increases in liberty and productivity with little suffering. If the middle class were to pay for its own education and retirement, then the need for federal taxes would be reduced drastically. Eliminating personal income taxes becomes a possibility, even if government handouts to professional athletes, Big Bird lovers and the poor continue. Since the middle class already makes enough money to pay for these services, the suffering would be confined to temporary inconveniences (I am assuming that the retirement reform is to be applied to the younger folk, of course).

Such analysis leads to setting priorities. This is politically useful. You cannot defend the entire LP platform in a sound bite. Indeed, it is hard to do so in one-hour speech. I once watched Ron Paul try to do just that. It was not a good speech.

The economic approach provides a mental framework *elastic* compromise. Compromises necessary for political viability need not require amendments to absolute moral principles. Precedents are not set. The ideal that more freedom is better is *not* compromised. Instead, an action is taken that gains the most freedom available at the moment, given available choices.

Let me illustrate this process with a simple example from the monetary sphere with which most readers should be familiar. As an ideal, I would like to have a great deal more income than I currently receive. I would like to indulge in more luxuries, contribute to more charities, and invest in more business ideas. However, the practicality is that no one is currently willing to hire me for the amount I desire. So I have compromised by taking a realistic job. However, I am not in

the least impelled to rationalize that my current salary is all I will be able to make. Like most people, I continue to look for ways to improve my income.

For a macroscopic comparison, consider two classes of professional compromisers: judges and engineers.

As wonderful as the U.S. Constitution is, it does not cover all situations in a nice way. Sometimes the argument is compelling to break its bounds. Unfortunately, these bounds are not elastic. Each breaking sets a precedent, allowing subsequent breaking in the same manner even when the situation is not so compelling. The law drifts away from the original intent.

The engineer is also faced with compromises. Consider the designer of an automobile. There are many qualities that go into a good automobile: acceleration, top speed, distance between refueling, reliability, safety, ride comfort, handling, price, time to market, noise level, fuel economy, sleek design, seating and luggage room, air emissions and so forth. It is not possible to maximize all these variables. Engineers consciously make sacrifices in some qualities to boost others. Between the engineers and the marketers, cars are designed to attempt to please various segments of the population.

Note what they do not do: they do not work from some abstract definition of “automobile” and set precedents when they deviate from the Platonic ideal. Instead, the imperfections in the current model are remembered, and the quest for better solutions is ongoing. Henry Ford made many compromises to make cars as cheap as possible. These compromises have faded into quaint memory. Today, we have mass production *and* a variety of styles to choose from. When pollution and fuel economy became major concerns in the 1970s, performance took a major hit. However, with fuel injection and computer monitoring of various sensors, cars once again are quick. When there was a shortage of cars after World War II, the auto companies cranked out low quality cars as fast as they could. Later, the Japanese proved that it was cheaper to build quality cars than it was to service defective cars.

A similar dynamic process could be applied to politics. I said that the marginal value of eliminating food stamps is small today. However, suppose we have already gotten the middle class off of their entitlements. Now, the marginal increase in liberty becomes significant since food stamps are now a larger fraction of the budget. Further, the danger of harm to the poor is greatly reduced. The general increase in educational quality will be enormous. The poor will be more employable, and the middle class will be better at employing them. Finally, with the increase in religious education, we can expect an increase in voluntary charity.

Politicians are the engineers and marketers of our legal system. Unfortunately there is no field of “legal engineering”. Bits and pieces of such a field exist in departments such as economics and history, but the whole process is taught nowhere. Legislatures consist of clueless compromisers and monomaniacal advocates. Compromise is often a matter of brain-dead splitting the difference as opposed to measuring marginal tradeoffs. As a simple illustration, consider the Corporate Average Fuel Economy regulation. It limits the average fuel consumption by an automobile sold by a particular manufacturer. However, as a compromise of necessity, it does not apply to trucks. The result has been the replacement of station wagons and large luxury automobiles with minivans and sport utility vehicles. The result is *more* gasoline consumption at the same time an onerous regulation remains on the book.

The engineering equivalent of such an idiotic compromise would be as follows. An engineer is tasked to produce a very fast sports car. He determines that rocket engine could be used to produce incredible top speed and acceleration. However, there are serious tradeoffs in terms of safety and mileage. The idiotic compromise would be to put in a small enough rocket engine to meet safety and mileage requirements. The result would be a car that can barely move

and just barely meets safety and mileage requirements. The creative compromise is a large and/or turbo-charged internal combustion engine.

Compromise need not be a dirty word. However, it does need to be done correctly.

Defining our Movement

I have stated the case that a workable moral philosophy must be based on multiple fuzzy qualities. The same goes for the definition of what makes a libertarian. To wit:

1. A libertarian should have a passionate love of liberty, and a hatred of the initiation of force. The consequence is that for a libertarian, one weighs heavily the cost in liberty against the stated benefit of a law, regulation or government program. If taken to infinity, we end up with the natural rights definition, and this definition suffices by itself. Without this infinite value to liberty, we need some supporting factors to stay on track.
2. A libertarian should have an appreciation of the power of the capitalist system to solve many social ills. This component is also insufficient by itself, unless one takes the infinite extreme position that capitalism can solve all ills. Such a position lacks credibility. The voters are exposed to too many examples of sleazy capitalism every time they see commercials on television.
3. A libertarian should have an appreciation of the limits of governmental power. Just because a law is on the books doesn't mean that it will be obeyed. It is imperative to keep enforcement costs and limitations in mind. (Carrying this and the previous argument to infinity is to make the brash statement "Government doesn't work". Taken literally, this statement is obviously false. Government is expensive and dangerous, but it does accomplish its aims on occasion.)
4. A libertarian should have a healthy fear of government. That is, in order to be able to enforce good or indifferent laws, governments gain the power to enforce evil laws. From such a fear, even a hater of drugs should think twice about the drug laws, since the government needs extraordinary powers to be able to carry them out.
5. A libertarian should worry about how governments tend to grow. There are plenty of people who would use government in selfish and/or unproductive ways. Constant vigilance is necessary to keep them from making the government grow beyond what is optimum (by the other criteria). The upshot is that it is better to err on the side of too little government than too much.

By requiring some amount of all five qualities in our definition of what constitutes a libertarian, one reduces the need for extremism in any one of the qualities. This allows the possibility of widening the tent enough for political viability without losing track of the *raison d'être* for the LP.

Based on these principles, a replacement Libertarian Party membership oath would go something like this:

I declare that I love liberty and abhor the initiation of force, and as such desire to reduce the excessive coercion and needless tyrannies exerted by our government.

I further declare my appreciation of the market economy, and how many of our current social ills could be ameliorated by improved property rights and the elimination of many burdensome laws and regulations.

As for the remaining social ills, charity should be the first recourse, for governmental solutions are expensive, dangerous and often ineffective. The initiation of force by government is a last resort, and acceptable only when the consequences of governmental inaction are so dire as to justify such force; and even when such moral compromises must be made, I keep my eyes out for voluntary alternatives, for “government is a fearful servant and a terrible master.”

For these reasons I desire to join the Libertarian Party, to act to eliminate needless coercion by government at all levels, through peaceful, legal means.

The increased length does lead to a clunkier oath, but I think it is worth the price. If the idea of changing the oath along these lines gains popularity, someone within the movement is bound to come up with better wording.

Coda: Selling vs. Arguing

One of the most powerful marketing techniques available is to give the customer a sample of the product. Such an approach transcends the potential customer’s skepticism of the arguments of the salesman or advertisement. And no matter how slick the evocation, reality has a poignancy that is hard to beat. When products are sold in large units (such as cars or appliances), the hands-on demonstration is the next-best available approach. Indeed, much of advertising is geared to getting people to go to the showroom in order to experience the demonstration.

For those of us selling a reduction in the initiation of force, we have a problem. In order to have a sample to give out, we have to take over a government. This requires convincing over half the population of a significant governmental unit (state or country) that non-initiation is the way to go. However, we cannot provide the product to demonstrate its benefits until we have sold it. This produces a Catch-22 situation. For this reason, some have suggested buying an island or having libertarians move to a relatively uninhabited state. These approaches are rather difficult, to say the least.

When one realizes that liberty is more than the absence of force-initiation, ways to give out samples of liberty come to mind rather quickly.

Many private organizations are even more authoritarian than the government. Proprietary communities have far more stringent regulations than most government zoning boards. Many corporations are modeled along the lines of bureaucratic states and cults of personality. For this reason, many union members see bigger government as a source of liberty. Worse of all, many private schools are organized along more authoritarian lines than the public schools. Indeed, they often succeed where public schools fail because they are better able to carry out the threats necessary to run an authoritarian system properly.

After receiving orders at work on a regular basis, what is the occasional encounter with a policeman? After waiting in line several times a day at school for twelve years, what is the big deal with an occasional line at the post office or department of motor vehicles?

The blessings of liberty in and of itself are not obvious to everyone. They have to be experienced to be fully appreciated. A common story in a nature documentary is that of the release of an animal brought up in captivity. The animal grows up in a small cage. Then, it is set free, or at least moved to a more humane zoo. The cage door is opened. Does the animal burst from the cage growling “free at last?” No, it cringes for hours before cautiously creeping out. Freedom can be scary. But it is also addictive.

Simply giving them an appreciation of liberty is not enough, however. Keep in mind that many people do not equate capitalism with liberty. For those who do not have a business degree

or have started a business, the world of markets is a mysterious world, filled not with choice, but fate and luck. It is a travesty that the basic survival skills of the modern era are not part of the core curriculum. It is possible to graduate from both high school and college and still be greatly ignorant on how to start and run a business -- and the stock (and option!) market is more mysterious yet. Libertarians should start schools where at least the basics of surviving and thriving are taught as part of the core curriculum.

It is very common for young adults to be filled bursting with desire to make the world a better place, ready to make sacrifices to bring this about. This is both a dangerous and beautiful thing. The socialists prey on such, channeling their noble desires to evil techniques. Libertarians should counter this proactively. The young altruist should be taught that many problems can be solved by for-profit enterprises, that the current situation is not purely the result of the current system of laws, but that individual capitalists determine the end-result of the capitalist system. It is not enough to make this point in the abstract; the young altruist needs hands-on experience of the fact. Of course, not all social ills can be solved for a profit. Even there, the economically literate have much to offer. They can guide the young altruist as to what portions of the problem are solvable for a profit so as to focus precious altruistic efforts more productively. And these non-profit efforts are still subject to the laws of economics. There are effective and ineffective ways to give money to the poor, and so on.

None of these efforts require soiling one's soul with the government. Perhaps the ultimate irony of this essay is that the deconstruction of natural rights theory leads to productive ways to make a freer society, ways that can be practiced by natural rights theorists who are too pure to vote.

¹ "The Ultimate Justification of the Private Property Ethic," *Liberty* v2, n1, September 1988, p20.

² Thanks to Martin Ryle and the University of Richmond Society for the Advancement of Epistemology for demonstrating this fact repeatedly.

³ *The Virtue of Selfishness*, Signet paperback edition, p17.

⁴ "Why I Would Not Vote Against Hitler," *Liberty* v9, n5, May 1996, p46.