

Chapman University

Chapman University Digital Commons

Philosophy Faculty Books and Book Chapters

Philosophy

12-19-2017

Libertarianism

Bas van der Vossen

Follow this and additional works at: https://digitalcommons.chapman.edu/philosophy_books



Part of the [Ethics and Political Philosophy Commons](#), [Other Political Science Commons](#), and the [Political Theory Commons](#)

Summary

Libertarianism is a theory in political philosophy that strongly values individual freedom and is skeptical about the justified scope of government in our lives. Libertarians see individuals as sovereign, as people who have a right to control their bodies and work, who are free to decide how to interact with willing others, and who cannot be forced to do things against their will without very strong justification.

For some, the argument in support of this view hinges on the principle of self-ownership. To them, individual rights are morally foundational, the basic building blocks of their theory. Many others, however, take a broader view, arguing that societies flourish when they offer people large degrees of freedom in both personal and economic matters.

As a result, libertarianism sees the state as playing at most only a very limited role in matters concerning distributive justice. Libertarians are skeptical about calls to reduce material inequality for its own sake, strongly favor free trade, and defend opening borders for migrants. They see policies that violate these commitments as inevitably involving wrongs against free and equal persons.

Keywords: freedom, rights, self-ownership, equality, capitalism, free market, Robert Nozick

Introduction

Libertarianism is a set of views in political philosophy. Libertarians strongly value individual freedom, seeing respect for individual freedom as a central requirement of justice. As a result, they believe that there are strong limits to permissible coercion. While people can be justifiably be forced to do (or not do) certain things—most prominently, people can be forced to refrain from violating the rights of others—they cannot be coerced to serve the overall good of society, or even their own personal good. Thus, libertarians typically endorse strong rights to individual liberty and private property; defend civil liberties like equal rights for homosexuals; endorse drug decriminalization, open borders, and abortion rights; and oppose most military intervention.

Libertarian positions are most controversial in the realm of distributive justice. Libertarians typically endorse something like a free-market economy, or an economic order based on private property and voluntary market relationships among economic agents. Consequently, libertarians usually oppose the kind of large-scale, coercive wealth redistribution in which contemporary welfare states engage. Just as people have strong rights to individual freedom

in social affairs, libertarians argue, they also have strong rights to freedom of choice in the economic realm. Thus, rights of freedom of contract and exchange, freedom of occupation, private property, and the like are taken very seriously, leading libertarians to oppose most forms of economic regulation, licensing laws, and redistributive taxation.

In these respects, libertarian theory is closely related to—indeed, at times practically indistinguishable from—the classical liberal tradition, as embodied by John Locke, David Hume, Adam Smith, and Immanuel Kant. It affirms a strong distinction between the public and the private spheres of life; insists on the status of individuals as morally free and equal, something it interprets as implying a strong requirement against nonconsensual subjection to others; and believes that a respect for this status requires treating people as right-holders.

Some libertarians see these conclusions as following from a commitment to freedom as the paramount value. They hold, for example, that each person has a right to maximum equal negative liberty, which is understood as the absence of forcible interference from other agents (e.g., Narveson, 1988; Steiner, 1994; Narveson & Sterba, 2010). Others focus more on the idea of self-ownership. Most famously, this view is typically attributed to Robert Nozick (Nozick, 1974; also Cohen, 1995); however, see the discussion that follows later in this article. On this view, a commitment to freedom follows from the requirement that we respect individuals' dominion over their lives and persons.

While these approaches are the most well known and distinctively libertarian, many theorists begin with other commitments and find that they lead to libertarian conclusions. Some depart from consequentialist or teleological principles, which they see as best served by libertarian policies (Epstein, 1995, 1998; Rasmussen & Den Uyl, 2005; Shapiro, 2007). Others adopt a Rawlsian framework, either claiming that the spirit of John Rawls' theory of justice (particularly a concern for the least well off) calls for a far greater respect for individual freedom than is usually thought (Tomasi, 2012), or that such more liberty-oriented requirements flow from a public reason or justificatory approach (Gaus, 2010, 2012). Yet others begin at still different points.

A major theme in all these approaches is an emphasis on insights from economics. Many (perhaps most) libertarians feel the force of their conclusions because they believe that market economies, coupled with strong protections of civil and political liberties, make societies and people prosper, flourish, and leave behind the crushing problems of poverty.

Self-Ownership

One way to identify libertarian theories is by reference to their conclusions. However, some libertarians see themselves as committed to what could be more adequately be termed *libertarian premises*. Prime among these is the idea the individuals are self-owners.

This idea is usually attributed to Robert Nozick, especially by his opponents (Cohen, 1995; Otsuka, 2003). One of the arguments that Nozick employed to criticize theories of justice that aim at equality or some other distributional outcome was that such theories fail to respect individuals as rights-holders. These theories invariably require redistributive taxation in order to maintain the desired distributional outcomes, and such taxation means siphoning off part of

people's earnings. Since those earnings represent people's labor, and people initially have the right not to be forced to work for certain ends, Nozick argued, redistributive taxation is morally on a par with forced labor.

Nozick's point was to make clear a choice that all theories of justice must face: Either we respect people as having the right to be the primary controllers of their lives, labor, and bodies, in which case they must be free to work, and not work, as they choose (so long as they don't violate the rights of others). This means working for whomever they want, on the terms they want, and keeping the gains. Recognizing this, of course, leaves little room for redistributive taxation. Or one can prefer a theory of justice that enforces certain distributions. But in that case, one must endorse taking what people innocently produce through their own labor, redirecting their work to purposes that they did not freely choose. This latter option, Nozick wrote, involves claiming a kind of control over the lives of others that is similar to a claim of ownership, and this is unacceptable. As Nozick (1974, p. 172) put it:

These principles involve a shift from the classical liberals' notion of self-ownership to a notion of (partial) property rights in *other* people.

Most libertarians think that there's at least a grain of truth in Nozick's statement. And at first glance, the principle of self-ownership does seem very plausible. We recognize people as self-owners when we recognize that there are things that may not be done to a person without their consent, but which may be done with that consent. For instance, we consider rape wrong because it involves a body being used against the will of the person to whom it belongs. We consider assault wrong for similar reasons. We consider (nonvoluntary) slavery wrong because it presupposes that one is owned by others, not oneself.

Moreover, the principle of self-ownership is attractive for more theoretical reasons as well. It is a strong endorsement of the moral importance and the sovereignty of the individual, it expresses a deep respect for individuals' status as autonomous and self-directed persons, it refuses to treat persons as interchangeable objects (things that may be traded off for each other) or beings that can be used for our purposes rather than theirs, and it seems to provide a clear and simple starting point for our thinking about justice.

Nevertheless, this principle has turned out to be very controversial. Most important, self-ownership has a number of counterintuitive implications. For instance, this view denies that individuals have an obligation to help others in need, except through voluntary agreement or prior wrongdoing. After all, any other such obligation would constitute a claim by others on one's life, labor, or person. Similarly, self-ownership seems to deny that it can be permissible to use people in order to help others, even when those others are in extreme need and the use is very insignificant (e.g., to gently push an innocent bystander in order to save 10 innocent lives). Again, since individuals are normatively separate, their persons may not be used nonconsensually, even for the benefit of others.

These implications seem extremely counterintuitive. When a person can be saved from something very bad by using another person at no significant cost to that person, there seem to be *very* demanding (indeed, potentially obligating) moral reasons to do so. Yet the full self-ownership principle denies this.¹ The principle thus seems overly restrictive.

Another way in which full self-ownership may be too restrictive is that recognizing people's rights as full self-owners means condemning as wrongful even very minor infringements—the kind of infringements that are practically necessary for everyday life to be possible. Consider, for example, the possibility that tiny bits of pollution may fall upon unconsenting persons when we drive a car. If self-ownership means that this is impermissible, then it seems that driving cars is impermissible. Of course, there are many more such scenarios. Self-ownership thus may end up prohibiting many of life's activities. This is neither plausible nor much of a theory that purports to take freedom very seriously² (Railton, 2003; Sobel, 2012).

These objections all take aim at one particular version of the idea of self-ownership: one that understands the protections that self-ownership offers in their strongest possible form. Let us call this *full* self-ownership.³ While this version of libertarianism may be the most distinctive, and is definitely the most often discussed and attacked, few libertarians actually hold this position. Most libertarians, that is, endorse a conception of self-ownership that is weakened along one or several dimensions in order to avoid these objections.

Consider, for instance, the following response to the objection that self-ownership is too restrictive. Suppose that we understand the moral benefits that self-ownership is supposed to confer on persons along the following two dimensions: one protecting persons from unwanted uses of their bodies, and the other offering them the liberty to use their bodies. As the objection points out, it is not possible to simultaneously maximize the value of both dimensions—the protections that we have restrict the possible uses by others of their bodies—and maximizing the protection-dimension implausibly restricts the use-dimension. The correct response, however, would not be to reject self-ownership, but rather to loosen the protection dimension somewhat in order to enhance the use dimension. Doing this would allow minor infringements *for the sake of self-ownership*. As Eric Mack (2015) puts it, a good theory of self-ownership offers people some “elbow room” (for a similar argument, see Brennan & Van der Vossen, 2017).⁴

Other Routes to Libertarianism

Weakened conceptions of self-ownership, however, raise important questions. For one, if self-ownership turns out to have multiple dimensions, it loses some of its theoretic appeal. After all, part of that appeal was the idea's relative simplicity, which seemed to make it a good starting point for a theory of political philosophy. If that is lost, libertarian theory might be in need of additional support. Moreover, and second, if trade-offs are possible between those dimensions, we will want to know *why* we might sacrifice one of the dimensions for the sake of another. And in order to answer that question, we may need to invoke some further, underlying value. Presumably, foundational principles are not based on underlying values.

Perhaps as a result of this, few libertarians actually treat the idea of self-ownership as a foundational principle. That is, while most libertarians see self-ownership as a morally important idea, few treat it as the *starting point* of their theories.⁵ Instead, they seek to develop theories that (a) honor people as rights-holders, sovereign individuals, whom we need to treat as the primary claimants of their lives and bodies, while (b) avoiding many of the more implausible elements of the maximally protection version of self-ownership. None of these theories see self-ownership as self-evident or foundational. It is not the starting point or

foundational *premise* of the theory of libertarian justice—something that does not need defense itself. Rather, self-ownership becomes the conclusion—the thing that one ends up endorsing in light of all the competing moral reasons and considerations.

Once we shed the idea that self-ownership must count as a foundational premise, there are many different ways in which one might arrive at libertarian conclusions. Eric Mack (2002, 2010), for example, offers an argument for self-ownership, as one of several natural rights, that is grounded in our nature as purposive beings. The protections and freedoms offered by the idea are justified in order to grant to all individuals a separate sphere in which they can act in accordance to their self-chosen purposes. Loren Lomasky (1987) derives personal rights from a similar, if slightly different, idea about people as project pursuers. John Tomasi (2012) holds that strong rights over our bodies are required by the ideal of democratic legitimacy. And so on.

Another prominent example is a tradition of thought that invokes insights from economics. Sometimes these arguments are consequentialist in nature, pointing out that overall human welfare is best achieved in free societies (Epstein, 1995, 1998; Friedman, 1962). Others maintain that a proper appreciation of justice as a principle of mutual advantage closely fits the principles of a free society, including those of a market economy (Schmidtz, 2006). Another example holds that libertarian or classical liberal conclusions follow from certain themes in the Rawlsian tradition, such as the idea of democratic legitimacy (Tomasi, 2012) or the nature of public reason justification (Gaus, 2012).

One influential strand of thinking in this tradition, closely related to F. A. Hayek and Ludwig von Mises, argues that libertarian or classical liberal political conclusions follow from human epistemic limitations. Free societies, and in particular free market systems, allow and incentivize individuals to act on the information that they possess about their local circumstances, needs, and desires, as well as their productive abilities and the trade-offs that those might present. Any society that wants to deviate from this, the argument goes, will have to collect, process, and fully understand all this dispersed and complex information, aggregate it into some kind of social welfare function, and assign goods accordingly. This latter process is simply beyond our capabilities. Free societies thus will predictably outperform other societies on most important metrics (Hayek, 1960, 1973; Von Mises, 1949).

It is worth noting here that even though Nozick is often seen as someone who treats self-ownership as a premise or foundational principle, it is far from clear whether this is a correct reading of his viewpoint. One problem with this interpretation is that Nozick invokes the idea of self-ownership only once in *Anarchy, State, and Utopia*—in the passage quoted in the previous section of this article. The idea simply does not seem to do much work for him in terms of supporting his arguments.

Second, if Nozick thought that full self-ownership was foundational, much of Part II of *Anarchy, State, and Utopia* becomes very difficult to understand. There, he develops a large number of arguments directed against redistributive conceptions of justice, many of which do not invoke the idea of self-ownership at all. If that idea was his starting point, then none of those arguments would be necessary, and so their presence (or prominence) would not make much sense.

Perhaps most problematically, though, Nozick invoked ideas that directly contradict reading him as a proponent of full self-ownership as a foundational principle. He argued that this idea expresses the Kantian requirement that we treat people only as ends in themselves, and he accepted that any plausible theory of rights must allow that they can be overridden in order to prevent “catastrophic moral horror” (Nozick, 1974, p. 30). It seems, then, that self-ownership is the view at which Nozick *arrives*, on the combined strength of all the arguments that he provides, and so is not his foundational principle (Brennan & Van der Vossen, 2017).

Property and Distribution

It is distinctive of libertarian and classical liberal theories that they conceive of distributive justice as largely (and sometimes exclusively) historical in nature. Even though distributional issues can be relevant for assessing the justice of a society (a point that will be discussed in more detail later in this article), libertarians generally see people’s rightful possessions as whatever they acquired in legitimate (i.e., rights-respecting) ways.

The most common mode of just acquisition is through the legitimate transfer of prior just holdings. This is why libertarians generally defend noncoerced, nondeceptive market relations as just. Of course, not all modes of legitimate acquisition can depend on prior just holdings—there must be a starting point, an original acquisition. Libertarians generally accept that individuals can carry out such acts of original acquisition. More precisely, they accept that individuals can acquire unowned goods unilaterally, without having to ask the consent of approval of other people, some governing body, or anything else.

The most famous account of such original acquisition remains Locke’s labor theory. According to Locke, when people work on previously unowned objects, subject to certain provisos, they turn those objects into their private property. The precise nature of Locke’s argument, the relation between labor and acquisition, as well as the nature of the provisos, are hotly contested. The most famous version of this concept holds that through laboring, people quite literally extend their claims of self-ownership over these external objects, thus drawing them into their rights-protected sphere. As Locke (1690, chapter V) put it, *laboring* means mixing one’s (owned) labor with an (unowned) thing.

This argument suffers from some well-known problems. For one, since laboring is an activity, the idea of mixing it with an object seems at best a metaphor for something else. But in that case, the argument is incomplete—we still need to know what really grounds property rights (Waldron, 1988). Second, it simply is not true that mixing something owned with something unowned is sufficient for appropriation. As Nozick (1974) pointed out, if I pour a can of tomato juice that I own into the unowned ocean, I lose my tomato juice—I do not gain an ocean. Third, if labor-mixing really were sufficient for generating claims in objects, why should this be restricted to unowned goods? Why not say that mixing my labor with something already owned generates a claim of coownership (Thomson, 1990, pp. 326–327)?

In light of these and other objections, many have offered different defenses of private property. They point out the central moral importance of people having security over external resources, whether this is understood in terms of support for political and civil liberties (Gaus, 2010), our ability to be project pursuers or purposive agents (Lomasky, 1987; Mack, 2010), or the ability to be the authors of our lives (Tomasi, 2012).

One influential argument ties the justification of property to the material prosperity and well-being that it brings about. Rights of private property serve to divide the external world into a number of discrete, individual parts, each exclusively controlled by its particular owner. Organizing the social world in this way is preferable to collective use or ownership because it helps avoid collective action problems. When things remain held in an open-access commons, we all have an incentive to use as much as we can, leading to a general pattern of use that ends up depleting the resource, to everyone's detriment. Rights to private property not only avoid such a "tragedy of the commons," they also incentivize people to preserve their parts, increase their productivity, and exchange what they own with others on mutually beneficial terms (Schmidtz, 1994; Buchanan, 1993).

The justification of property provided by arguments like these does not rest on the principle of self-ownership. As a result, it is not committed to seeing property rights as in any way absolute, immune to just regulation, or even precluding any and all forms of taxation. Despite what is sometimes suggested (Freeman, 2001), virtually all libertarians that reject self-ownership as a starting point also accept that property rights need specification, can be instantiated in quite different, yet morally acceptable forms, and might be overridden by other moral considerations.

Such views do not entail the impossibility of unilateral original appropriation either. Libertarians typically agree that people do not need the consent of others to bring about property rights. People do not need the permission of others before they can begin using the external world to provide for their own needs, as well as those of others. The moral benefits of private ownership are important, and if there is a good justification for having a system of private property, it should be possible to derive a justification for acts that begin to bring about such rights as well (Van der Vossen, 2009; Mack, 2010).⁶

Because libertarians take property rights very seriously and understand distributive justice in largely historical terms, they are skeptical about the moral importance of distributions and material equality. More precisely, they see a strong concern with material equality as inconsistent with an appropriate concern for people's moral equality. Since treating people as moral equals means respecting them as the holders of rights, and since such rights are resistant to policies aimed at equalizing material outcomes, such policies count as unjust.

Nozick (1974), in his famous discussion *How Liberty Upsets Patterns*, argues that because any system of property must allow gifts and other voluntary transfers, and because these will significantly upset whatever distribution is put in place, there is very limited room for concerns with distributional equality. Others have argued that a concern for equality requires treating people as equals—something that includes taking them seriously as rights-holders, people who enjoy significant freedom to dispose of their property. However, treating people as equals in this way often will produce unequal outcomes, in which case equalizing outcomes itself violates the demands of equality (Schmidtz, 2006). Many others have offered different arguments. For instance, Gerald Gaus (2010) argues that within public reason justification, property rights would receive a kind of priority over redistributive goals (because of their strong support for civil and political liberties).

None of this is to say that libertarians are not concerned with distributions at all. John Tomasi (2012, p. 127) argues that many libertarians and classical liberals are committed to a kind of distributive condition requiring that societies must be expected to work to the benefit of the

least well-off. This seems to overstate the matter considerably, but it is certainly true that many libertarians see their policies as promoting the general good, and this plays an important role in their justification. Hence, libertarians are wont to point out that being poor in a free society is much better than being poor elsewhere, that markets in general do not work to the detriment of the poor, and so on.

That said, some libertarians see their views as consistent with a strong commitment to distributional equality. According to what are often called *left-libertarians*, we can accept a very strong reading of the self-ownership principle without also accepting significant material inequalities. As G. A. Cohen (1995) pointed out, the latter follows from the former only if one also accepts that external resources are not jointly owned. Thus, by insisting on some version of joint or collective ownership of the external world, left-libertarians try to sidestep Nozick's argument that redistributive taxation involves expropriating the labor of what should be self-owners. Left-libertarians grant Nozick's claim, but only insofar as people's income represents the value of their labor alone, not the value of the external world.

The idea, then, is that while individuals are free to unilaterally appropriate external goods, that freedom is qualified in ways that preserves some degree of equality. Hillel Steiner (1994), for example, argued that people have a claim to the equivalent of an equally valuable unused part of the world. Thus, people who appropriate more than their per-capita share owe those who thereby receive less than their share of compensation. Michael Otsuka (2003) offers a different interpretation, arguing that appropriation is constrained by the demand that others have an opportunity for well-being that is at least as good as the opportunity received by the appropriators.

Left-libertarians typically assert that this egalitarian demand follows from Locke's proviso that appropriators leave "enough and as good" for others. As a reading of Locke, this is highly implausible. However, with some notable exceptions (Rothbard, 1978, 1982; Narveson, 1988, chapter 7; Narveson, 1988; Feser, 2005), most libertarians agree that there is no unqualified right to appropriate external goods. That said, most accept a far more constrained, and therefore less egalitarian, interpretation of Locke's requirement.

Thus, Nozick argued that no individual should be made worse off by the introduction of private property. Eric Mack (2010) proposes a proviso aimed at securing a robust concept of self-ownership for all. And Loren Lomasky (1987) has proposed that others must be left a sufficient share of natural resources (for a similar take on Locke, see Simmons, 1992).

The State

Libertarians tend to be highly skeptical of political authority and state legitimacy. Such skepticism follows readily from the principle of self-ownership, which requires that all agents respect the moral rights of individuals, such as their rights over their persons and their legitimate possessions. States, including the modern welfare state, fail to meet this standard in rather spectacular fashion. Thus, many of the powers of the modern state are incompatible with self-ownership.

As before, however, it is important that much less controversial principles support similar conclusions. Philosophical skepticism about state authority can be grounded in the widely endorsed idea that people are, quite simply, not naturally subordinated to others. In this view, something like voluntary consent or acceptance is required for people to be subject to the authority of the state. For many, states have failed to satisfy this requirement.

Such philosophical anarchism, as it is often called, does not presuppose, but instead lends support for libertarian views. The main reason for states being illegitimate is that they use force where, absent consent or something similar, force is impermissible. States violate people's rights when they punish (or threaten to punish) a person for activities that endanger no one else, such as riding a motorcycle without a helmet, taking drugs, refusing to purchase health insurance, engaging in consensual sexual relations, or gambling. States violate people's rights when they expropriate their rightful possessions, impose unjust taxes, commit fraud, or demand bribes. States violate people's rights when they forcibly prevent them from innocently contracting and associating with others, exercising their religion, occupy certain professions because of their ethnic background, gender, or sexual orientation, and much, much more.

Even though libertarians are generally quite hostile to state authority, this does not mean that the state cannot permissibly undertake certain minimal activities. This includes most obviously the enforcement of individual rights and freedoms. These activities do not presuppose state authority since such activities are permissible with or without people's prior consent (unless, of course, such activities involve the violation of rights themselves).

Some controversy surrounds the question of whether people can be legitimately taxed to finance these permissible state activities. Some think so, on the grounds that, roughly stated, people can be required to pay for the morally permissible activity of rights enforcement (Hayek, 1960). However, this is a difficult argument to sustain, for it remains unclear why the very same ideas that require consent for other worthy state activities would not also require consent for the financing of rights enforcement.

Of course, much of modern life seems to require a state. States structure and regulate much of human life, they maintain peace and order, and they provide important public goods. And while in most countries throughout history and around the world, the state has been a major source of violence and oppression, there is no denying that many states also do many valuable things. To many, then, the state seems indispensable. And to many, this seems a good argument for thinking, contrary to libertarianism, that the state must be justifiable in some way or other.

One popular argument for state authority holds that states can be legitimate if they are democratic. Libertarians tend to be very skeptical about this view. A large body of empirical findings has shown that voters tend to be radically uninformed, ignorant, and indeed biased about political issues. And democratic deliberation does little, if anything, to improve this. Indeed, it seems like it is rational for people to remain ignorant about politics. Given that one's causal influence on the quality of political decisions is negligible, and it is costly in terms of time and effort to become informed, it is rational for people to remain ignorant. Most people thus vote in ways that have more to do with signaling their ideological allegiance or virtues, and less with the merits of the issues (Caplan, 2008; Somin, 2016; Brennan, 2016; Pincione & Tesón, 2011).

In addition to voter ignorance, many libertarians fear the more general dynamics of state power. Public choice theory points out that since the best way to understand the behavior of political agents is along roughly maximizing lines, there is little reason to think that the state will generally behave in the public interest (Tullock & Buchanan, 1962). Thus, many government policies impose widely dispersed costs on the populace to confer localized benefits on a few, often politically well connected elites. Examples include the large-scale bailouts of financial companies and agricultural subsidies.

Libertarians are not only skeptical about the benefits of politics. They also tend to be optimistic about the possibility of bringing about the benefits that states can offer in noncoercive, voluntary ways. Thus, libertarians see the anarchic provision of order and public goods, as well as charitable giving, as genuinely viable options for addressing many of the problems that states might solve, without many of the extremely negative results that states cause (Huemer, 2012; Chartier, 2012).

International Issues

Libertarian principles apply not only within the boundaries of a state. The limited role that libertarians see for legitimate government affects both domestic and foreign policy. Because the main role of legitimate government is the upholding of individual rights, libertarians are highly critical of the foreign policy of their governments, as well as many international institutions and laws. The following sections give three examples of such issues.

Just War and Intervention

Given that libertarians see the enforcement of rights as the main justification for the use of force, they insist on very strict limits to the war-making capacities of states. Thus, in principle, wars might be waged only in self-defense or in the defense of others. Libertarians typically dismiss ideas such as that war might be justified to safeguard national independence, culture, or other common rationales. At the same time, to be justified, such wars must be carried out in accordance with people's rights. Thus, there will be strict limits in terms of collateral damage, the ways in which innocent third parties might be harmed, and other considerations (Machan & Rasmussen, 1995).

That said, libertarians are divided on how far these principles might go in defending actual wars, and interventionist wars in particular. While most libertarians see their skepticism of state power as extending to this issue, and thus oppose interventionist foreign policy, some have defended foreign military interventions as a way of defending the liberty and rights of people against oppression.

This issue is difficult because different parts in the libertarian theory pull in opposing directions. On the one hand, libertarians generally accept that it is permissible to defend the freedom and rights of others, including with force if need be. This suggests a rather straightforward defense of foreign intervention as a means of protecting freedom. On the other hand, many libertarians also question the justification and benefits of many state activities, on the grounds that they often have unintended harmful consequences and are done for questionable reasons. Indeed, military interventions have a history of making things

worse, not better. It comes as no surprise, then, that the history of intervention is one in which things rarely get better and often get even worse (for discussion of both sides of this argument, see Tesón & Van der Vossen, 2017).

International Trade

The easiest issue, in libertarian terms, concerns international trade. Libertarians defend free trade worldwide. They oppose state subsidies for domestic companies and favor abolishing all import taxes. These policies are unjustifiable on the grounds that they coercively interfere with the freedom of people to exchange their legitimately earned goods. And they are deeply harmful to both the domestic public, which has to pay the higher price of goods that results from these subsidies and taxes, and to foreign producers and consumers, who lose access to valuable markets and products (Tesón, 2012; Lomasky & Tesón, 2015).

One notable background issue here concerns the relevant form of analysis for international trade. Many nonlibertarians think about the ethics of international trade in terms of establishing some kind of fair or level playing field for countries around the world. In this view, the ethics of trade is primarily a matter of doing right by countries. Contrary to this, libertarians insist that the ethics of trade is understood in individualist terms. The main wrongs are the result of states (of already questionable legitimacy) coercively interfering with trade in the international realm in ways that we would never accept in a domestic setting.

Immigration

Virtually all libertarians are highly skeptical of global migration restrictions. Because people have a right to free movement unless there is some overriding justification for restricting them, the practice of states to forcibly prevent large numbers of innocent people from migrating from one place to another is plainly unjustified. Migration restrictions thus violate the rights of those migrants who did not consent or otherwise authorize states to interfere with their lives in these ways. Moreover, states that impose migration restrictions also violate the rights of those among their own subjects who would like to associate, contract, and otherwise interact with those foreigners who are prevented from arriving. As a result, libertarians typically favor radically open borders.

A small, but notable minority disagrees, on the ground that large-scale migration might undercut the institutional preconditions for free movement. James Buchanan (1995), for instance, has argued that immigration may be restricted because it is impossible to know exactly what the results will be of allowing many outsiders into a liberal society, and that those consequences will be practically impossible to undo once the precarious balance that supports freedom is disturbed. This argument, however, seems to beg the question of whether states can prioritize the freedom and well-being of their subjects over the freedom and well-being of foreigners in the first place. Pointing out that there are benefits to be had from doing so, if indeed there are, does little to answer that question.⁷

References

Barnett, R. (1998). *The structure of liberty: Justice and the rule of law*. Oxford: Clarendon Press.

-
- Brennan, J. (2016). *Against democracy*. Princeton, NJ: Princeton University Press.
- Brennan, J., & van der Vossen, B. (2017). The myths of the self-ownership thesis. In J. Brennan, B. van der Vossen, & D. Schmidtz (Eds.), *Routledge handbook of libertarianism*. New York: Routledge.
- Buchanan, J. (1993). *Property as a guarantor of liberty*. Northampton, MA: Edward Elgar.
- Buchanan, J. (1995). A two-country parable. In W. Schwartz (Ed.), *Justice in immigration* (pp. 63–66). Cambridge: Cambridge University Press.
- Caplan, B. (2008). *The myth of the rational voter: Why democracies choose bad policies*. Princeton, NJ: Princeton University Press.
- Chartier, G. (2012). *Anarchy and legal order: Law and politics for a stateless society*. Cambridge: Cambridge University Press.
- Cohen, G. A. (1995). *Self-ownership, freedom, and equality*. Cambridge: Cambridge University Press.
- Feser, E. (2005). There Is No Such Thing As An Unjust Initial Acquisition. *Social Philosophy and Policy*, 22, 56–80.
- Epstein, R. (1995). *Simple rules for a complex world*. Cambridge, MA: Harvard University Press.
- Epstein, R. (1998). *Principles for a free society: Reconciling individual liberty with the common good*. New York: Basic Books.
- Freeman, S. (2001). Illiberal libertarians: Why libertarianism is not a liberal view. *Philosophy & Public Affairs*, 30(2), 105–151.
- Friedman, M. (1962). *Capitalism and freedom*. Chicago: University of Chicago Press.
- Gaus, G. (2010). Coercion, ownership, and the redistributive state: Justificatory liberalism's classical tilt. *Social Philosophy and Policy*, 27(1), 233–275.
- Gaus, G. (2012). *The order of public reason: A theory of freedom and morality in a diverse and bounded world*. Cambridge: Cambridge University Press.
- Grunebaum, J. (1987). *Private ownership*. New York: Routledge & Kegan Paul.
- Hayek, F. A. (1960). *The constitution of liberty*. Chicago: University of Chicago Press.
- Hayek, F. A. (1973). *Law, legislation, and liberty, Vol. 1: Rules and order*. New York: Routledge.
- Huemer, M. (2012). *The problem of political authority*. London: Palgrave Macmillan.
- Locke, J. (1690). *Two treatises of government*. P. Laslett (Ed.). Cambridge: Cambridge University Press.
- Lomasky, L. (1987). *Persons, rights, and the moral community*. Oxford: Oxford University Press.
- Lomasky, L., & Tesón, F. (2015). *Justice at a distance: Extending freedom globally*. Cambridge: Cambridge University Press.

-
- Machan, T., & Rasmussen, D. (Eds.). (1995). *Liberty for the 21st century*. Lanham: Rowman and Littlefield.
- Mack, E. (2002). Self-ownership, marxism, and egalitarianism: Part II: Challenges to the self-ownership thesis. *Politics, Philosophy, and Economics*, 1(2), 237-276.
- Mack, E. (2010). The natural right of property. *Social Philosophy and Policy*, 27(1), 53-78.
- Mack, E. (2015). Elbow room for rights. *Oxford Studies in Political Philosophy*, 1(1), 194-221.
- Mossoff, A. (Ed.). (2013). *Intellectual property and property rights*. Northampton, MA: Edward Elgar.
- Narveson, J. (1988). *The libertarian idea*. Philadelphia: Temple University Press.
- Narveson, J., & Sterba, J. P. (2010). *Are liberty and equality compatible?* Cambridge: Cambridge University Press.
- Nozick, R. (1974). *Anarchy, state, and utopia*. New York: Basic Books.
- Otsuka, M. (2003). *Libertarianism without inequality*. Oxford: Clarendon Press.
- Pincione, G., & Tesón, F. (2011). *Rational choice and democratic deliberation: A theory of discourse failure*. Cambridge: Cambridge University Press.
- Railton, P. (2003). Locke, Stock, and Peril: Natural Property Rights, Pollution, and Risk. In P. Railton, *Facts, Values, and Norms* (pp. 187-225). Cambridge: Cambridge University Press.
- Rothbard, M. (1978). *For a New Liberty, The Libertarian Manifesto*. Revised edn. New York: Libertarian Review Foundation.
- Rothbard, M. (1982). *The ethics of liberty*. London: Humanities Press.
- Rasmussen, D., & Den Uyl, D. (2005). *Norms of liberty: A perfectionist basis for non-perfectionist politics*. University Park: Penn State University Press.
- Schmidtz, D. (1994). The institution of property. *Social Philosophy and Policy*, 11(2), 42-62.
- Schmidtz, D. (2006). *The elements of justice*. Cambridge: Cambridge University Press.
- Shapiro, D. (2007). *Is the welfare state justified?* Cambridge: Cambridge University Press.
- Simmons, A. (1992). *The Lockean theory of rights*. Princeton, NJ: Princeton University Press.
- Sobel, D. (2012). Backing Away from Libertarian Self-Ownership. *Ethics*, 123, 32-60.
- Somin, I. (2016). *Democracy and political ignorance: Why smaller government is smarter* (2d ed.). Stanford: Stanford University Press.
- Steiner, H. (1994). *An essay on rights*. Oxford: Blackwell.
- Tesón, F. (2012). Why free trade is required by justice. *Social Philosophy and Policy*, 29(1), 126-153.

-
- Tesón, F., & van der Vossen, B. (2017). *Debating humanitarian intervention: Should we try to help?* Oxford: Oxford University Press.
- Thomson, J. (1990). *The realm of rights*. Cambridge, MA: Harvard University Press.
- Tomasi, T. (2012). *Free market fairness*. Princeton, NJ: Princeton University Press.
- Tullock, G., & Buchanan, J. (1962). *The calculus of consent: Logical foundations of constitutional democracy*.
- Vallentyne, P. (1998). Critical notice of G. A. Cohen's self-ownership, freedom, and equality. *Canadian Journal of Philosophy*, 28, 609–626.
- Vallentyne, P., & Van der Vossen, B. (2014). Libertarianism. In E. N. Zalta (Ed.), *Stanford encyclopedia of philosophy*. Stanford: Stanford University Press. Available online <<https://plato.stanford.edu/archives/fall2014/entries/libertarianism/>> at <https://plato.stanford.edu/archives/fall2014/entries/libertarianism/> <<https://plato.stanford.edu/archives/fall2014/entries/libertarianism/>>.
- Van der Vossen, B. (2009). What counts as original appropriation? *Politics, Philosophy, & Economics*, 8(4), 355–373.
- Von Mises, L. (1949). *Human action: A treatise on economics*. New Haven, CT: Yale University Press.
- Waldron, J. (1988). *The right to private property*. Oxford: Clarendon Press.
- Wall, S. (2009). Self-ownership and paternalism. *Journal of Political Philosophy*, 17(4), 399–417.

Notes

1. It is worth noting that on at least some readings, the principle need not rule out an *unenforceable* obligation to save people. For a discussion of this point, see Vallentyne and Van der Vossen (2014).
2. Steven Wall (2009) has made a similar argument, pointing out that full self-ownership implausibly rules out even soft paternalism.
3. To be a self-owner means, roughly, to have moral rights over oneself that are similar to the rights that one can have when one owns inanimate objects. As with the broader idea of ownership, there are stronger and weaker versions of self-ownership. Full self-ownership, then, is the idea that people have a maximal, universalizable set of claims and liberties to control and dispose of their persons and bodies.
4. Note that, strictly speaking, this response does not entail rejecting full self-ownership. After all, the version of the idea that reduces the protection dimension in order to enhance the use-dimension still can be within the set of maximal universalizable claims.
5. For instance, full self-ownership seems to permit voluntary enslavement. Agents have, it claims, not only the right to control the use of their person, but also the right to transfer that right (e.g., by sale or gift) to others. But this is a matter of controversy even among libertarians. Some, such as Rothbard (1982) and Barnett (1998), deny that such transfer is even possible because others cannot control one's will. Others, such as Locke (1690) and Grunebaum

(1987), deny that the rights over oneself are so transferable, typically on the ground that such transfers undermine one's autonomy. Yet others disagree, seeing voluntary enslavement as indeed consistent with full self-ownership. (See Vallentyne, 1998; Steiner, 1994.)

6. While libertarians are generally in broad agreement about the justification of property rights in external goods, they remain divided about the justification of intellectual property rights. Some consider them crucial for incentivizing the creation of new and better intellectual goods, while others see such rights as problematic impositions of monopoly power by the state, excluding innocent people from the use of available resources. (See the collection of essays in Mossoff, 2013.)

7. This argument sets aside the further objection that libertarians generally deny that the mere fact that something produces a benefit is sufficient justification for bringing it about.

Related Articles

[Equality and Political Philosophy](#)

[Exploitation](#)

[Basic Income](#)

[Paternalism](#)

[Justice Between Generations](#)

[Liberalism](#)

[Freedom of Speech](#)