

The Problem of Coerced Liberty

by
Lazarus Long
and
Ken Wiebe

Some Libertarians, particularly those of the Randian and Objectivist schools of thought, have for many years advocated privatization of all government services, save for Defense, Justice and Policing as the surest route to liberty. They have taken the position that government must not be responsible for anything more than those three functions. This position has even found its way into the LPC SoP principle #5.

Principle 5 of the LPC SoP

5. The only proper functions of government, whose powers must be constitutionally limited, are:

- A. settling, according to objective laws, disputes among individuals where private, voluntary arbitration has failed;*
- B. providing protection from criminals;*
- C. providing protection from foreign invaders.*

Is "constitutionally limiting government" to those three functions completely consistent with defending everyone's Liberty equally?

Even if we assume that a libertarian government is elected on a platform of complete privatization, (Except for the three exemptions, of course) in the process of carrying out their mandate, wouldn't libertarians be guilty of the same practice as they accuse liberals and conservatives of using? That is, they would use the will of the majority to justify limiting the liberty of the minority who wished to continue having some 'extra' services provided by government bodies.

It is a contradiction in terms to compel liberty by government decree.

This is a dilemma that few libertarians seem willing to confront directly. A utilitarian argument could be made that it is for the good of the many that they have a free market and that their services and needs be met by private sector sources, but using a utilitarian argument to justify forced privatization is fraught with difficulties. For one, opponents of privatization can make an equally-valid utilitarian case for the greatest good for the many being provided by the state controlling most facets of society. Utilitarian arguments, as we have seen many times in the past, cut both ways and should be avoided wherever and whenever a principled libertarian argument exists.

The 'social contract' brought into existence by agreement between government service providers and government service subscribers cannot be so easily dismissed. If even one person is deprived of the right to purchase his services from whom he chooses (government, in this case), merely because of government decree, then Libertarian government has failed to provide a defence of that individual's liberty. This is true even when that person desires to purchase a service from a government provider, and doubly true where legislation currently provides for a service that the subscriber may feel he has a contractual right to.

Liberty must extend to all, not merely the majority, but to each and every member of society. Some people may wish to have a government agency regulating their activities. Some may wish to have their foodstuffs inspected by a government, rather than private, inspecting agency. Those people would be denied their liberty to choose the government agency under the conventional privatize *it* libertarian model. Yes, they may be 'wrong', but they have a right to be wrong, so long as they do not advocate aggression to impose their decisions on others. And really, who are we (libertarians) to say that they are in fact wrong. It may well be the case that a non-aggressive government agency can provide an excellent service. Stranger things have happened!

Some libertarians may argue that by allowing the state to operate any form of regulatory agency, that the door will be left open to a future government using it to extend that agency's influence to all members of society. They are right, BUT does that matter? If a non-libertarian government is elected, this could- and probably would - happen anyway. That risk exists in every democracy. Constitutions written to limit government have been circumvented by advocates of *big government*. All it takes is the *right* people in the Supreme Court to interpret the constitution in favour of big government, and you have a legitimized form of government that may be entirely contrary to the original intentions of the constitution.

In any form of democracy, providing an absolute guarantee of liberty for all future people is impossible. So, setting aside the question of how to maintain a liberty-oriented society for the time being, we will examine how a libertarian government can govern without aggressing against any member of society... and that is really the libertarian ideal.

Is non-aggressive government possible?

The answer is: yes. A government that retains all regulatory agencies and offices can easily make those agencies **non-aggressive** by simply limiting the jurisdiction of those agencies to those who subscribe to them. Those who do not wish to be under the jurisdiction of such an agency would not have to contribute financial support to it. Only those who see a benefit for themselves or for society need support it, and only those who accept it's decisions as valid would be bound by it.

How this may work can be demonstrated by using Federal Meat Inspection as an

example. Farmers and meat packers would have the choice of whether or not to subscribe to the Federal Meat Inspection program. Those that do, could either remit their fees directly to that program, or as a portion of their voluntary *tax*. Farmers and packers who do not wish to be part of that program would be free to choose a private inspector and pay for that, but not the costs of the Federal program. Some producers might even wish to *self-inspect*, assume all liability and market their products accordingly.

In such a system, those supporting the Federal program would have the benefit of having a *government approved* seal of approval on their products. This may or may not, give them some market advantage. Whether it does or not depends entirely on the perceived quality of the inspected products and the *guarantee* in cases where substandard products slip through. If a private inspection agency had different standards, the results would be known in the market and consumers would continue to accept goods inspected by that company, perhaps at a different price, or they may reject products inspected by that company.

The people who choose to do without third-party independent inspections may find it difficult, if not impossible, to market their goods. Food stores, mindful of liability, would likely refuse to stock products inspected by a substandard agency - government or private. Inspection agencies would bear partial responsibility for tainted or unsafe products that carry their stamp of approval... a sort of *guarantor* of quality.

This same form of voluntary association could be carried out across the board to every conceivable government service. Some people may choose to have medical care provided by a herbalist. Only the individual making that choice is at risk. Insurance companies may or may not cover therapy by a herbalist, but that is a matter of market choice. If the demand exists and the results are perceived to be good, then insurance companies will cover those forms of therapy. If the results of herbal therapy are poor, then insurers will not cover that service. Again, it is market choice... not political choice that determines the form and nature of the services offered and there appears to be no legitimate libertarian argument for complete privatization by decree.

How can non-aggressive government be funded?

The key to having non-aggressive government is non-aggression with respect to taxation and provision of services. The phrase "Taxation is Theft" is valid only when government uses aggressive coercive force to extract that tax from an individual who does not desire that government service. Monopoly is only illegitimate where legislation perverts the power of government to enforce a monopoly.

(Note that a legislated monopoly is any form of service or agency where competition is absent because of legislative action by the State. Such a monopoly can be privately owned, or it can be operated directly by the state. In either case, the legislated barriers can be viewed as a very high rate of taxation.)

Taxes are valid if collected through voluntary payment, although purists may argue that *voluntary taxation* is a contradiction in terms. They're probably right, but it is a convenient term to use.

One method of voluntary tax collection is the tax menu. In one form of Tax Menuing, a flat income tax could be instituted, with the taxpayer filing a tax menu form each quarter of the year. The form would specify all departments of the government and then list each agency or service provided by the departments. The taxpayer would simply enter his gross income and then calculate the percentage owed...say 10% for example. From there, he would use the list of departments and services to allocate the percentage he is willing to contribute to each service.

A tax menu is one possible method of enabling people to allocate a portion of their taxes to the betterment of the less fortunate members of society, in a manner roughly equivalent to our current welfare system. It can also permit the government to serve those who feel that government should have roles other than strictly defense and justice, while not infringing on the liberty of those who do not wish to support or receive that service. Those who advocate complete privatization of government services may then continue to argue their case, provide an example to emulate (or not), and all without any hint of politically-imposed limits to any individual's free choice.

Many different variations of tax menus have been proposed but they all work in a similar fashion.

Further limiting of government aggression

A libertarian society would allow the parallel development of private protection and private courts while maintaining government operated systems. In that form of society, even a parallel citizen-operated military could be operated, locally funded and supported, possibly coming under the control of the government in cases of emergency national defense. If the government chose to use military force to initiate aggression against another country or even part of its own people, then the citizen operated militia should be able to withhold its services. Acceptance of government services (so long as they are non-aggressive) does not preclude private services for those who prefer them. Acceptance of government services will not require anyone to who disapproves of them to fund them or be bound by them. What acceptance does is respect the wishes of those who want government services... just as libertarians advocate respect for the rights of those who want private services. Respect for individual liberty is a two-way street.