The argument from liberty

SHELLY KAGAN

Libertarianism is often said to be the moral system which most purely reflects or expresses the value of individual liberty and freedom. If this is so, at the very least it indicates an attractive feature of libertarianism — and this much is frequently conceded even by libertarianism’s critics. But it is natural to take this thought further, and see it as pointing to and providing the basis for what I take to be an intuitively plausible and widely held argument for libertarianism: the argument from liberty. Liberty is obviously a significant value, and libertarianism is the system that most fully incorporates or captures that value; libertarianism is thus to be defended by appeal to the very fact that it is the moral system which gives greatest expression to individual liberty and freedom.

There are, of course, other possible arguments for libertarianism, but in this essay it is only the argument from liberty with which I am concerned. It is, I think, an argument whose force we can easily feel: The libertarian leaves us free to do as we see fit — both in matters of personal life-style, and in the economic sphere — provided only that we refrain from interfering with the like freedom of others. Accordingly, if we place sufficient value on freedom, a powerful case for libertarianism appears to emerge.

This initial statement of the argument from liberty is admittedly somewhat vague, and in what follows I shall try to state it more precisely. But even without moving beyond this rough formulation, there are two familiar objections to the argument that can immediately be raised.

The first complains that although liberty or freedom is indeed a significant value, it is not the only moral value which commands our attention. For example, it might be suggested that welfare or equality (whether of welfare, or of resources) are themselves important values which merit expression in any adequate moral system of rights, duties, and permissions. Libertarianism may well be what emerges if we set ourselves the goal of designing a moral system that reflects the value of liberty alone, but such a narrow focus is unjustified. Once we aim instead to reflect the value of welfare and equality as well as that of liberty, the system that emerges will significantly diverge from that of libertarianism. It will at least sometimes limit individual liberty when this is necessary to promote or protect equality or well-being. (The details of the objection will of course depend on the specific additional values being endorsed.)

The success of this first objection is conditional upon the critic’s ability to establish the validity and significance of the values being proposed to supplement the concern with liberty. Justifiably or not, the libertarian can thus resist the objection by denying the existence of these other values, or by insisting that, although real, these other values can never outweigh the value of liberty (and so departures from libertarianism can never be justified by appeal to these values). It should be noted, in particular, that nothing in this first objection calls into question the claim that libertarianism is indeed the system that most fully reflects or expresses the value of liberty.

The second objection does call this claim into question. It holds that even if we agree with the libertarian to restrict our attention to expressing the value of liberty or freedom, the argument from liberty unjustifiably restricts itself to one kind of freedom — freedom from interference. For it is only freedom from interference which is protected by the system of rights and permissions endorsed by the libertarian: We are free — that is, free from interference — to do as we see fit, provided that we do not interfere with others. Yet such “negative freedom,” as it is sometimes called, is not only the kind of freedom with legitimate moral significance. An adequate moral system should also express the value of “positive freedom,” or the ability to accomplish one’s various goals. If we set ourselves the aim of designing a moral system that reflects the value of “freedom to” and not merely that of “freedom from,” the system that emerges will once again diverge significantly from libertarianism. In at least some cases it will condone interfering with individual freedom when this is necessary to guarantee that all have certain minimal abilities to pursue their goals. (As before, the details of the objection will obviously depend upon the specific characterization of the other forms of freedom being endorsed.)

As with the first, the libertarian can resist this new objection by denying the significance of these other kinds of freedom, either by denying that positive freedom is a genuine value, or by insisting that, although real, it can never outweigh negative freedom. And armed with this denial, the argument from liberty still goes through, since nothing in this second objection challenges the claim that libertarianism is indeed the moral system that emerges if we set ourselves the goal of expressing the value of negative freedom, and negative freedom alone.

Now I do not mean to be endorsing the libertarian’s answer to either of these objections. In point of fact, I take both objections to be well-founded. But it is striking for all that that these two familiar objections leave the major
premise of the argument from liberty untouched. As I have noted, both objections concede that the argument from liberty might well succeed if only it were granted that individual negative freedom, or negative liberty, is the only fundamental value to be reflected. Nonlibertarians may well find it implausible to claim that negative liberty is the only fundamental value. But critics and friends of libertarianism alike apparently find it plausible to hold that it is indeed libertarianism that emerges once we agree that it is individual negative liberty — freedom from interference — whose value is to be reflected.

It is this claim that I want to challenge in this paper. It is not that I find the claim implausible. On the contrary, it strikes me as quite plausible on the face of it, and I think that it explains a great deal of the intuitive appeal of libertarianism. Yet it seems to me that when looked at more carefully, this central claim of the argument from liberty can be seen to be either false, or at least rather dubious. Failure to appreciate this is due to a nearly universal failure to bring the claim sharply into focus.

II

To defend the argument from liberty, one would need a reasonably precise formulation of libertarianism. After all, the claim is that it is libertarianism that emerges from a concern with individual liberty, construed as freedom from interference. It would be impossible to establish this claim definitively without having a specification of all the essential features of libertarian systems. However, it may be possible to give adequate grounds for rejecting this claim without a full account of libertarianism before us. Provided that we can identify a few core features of libertarianism — so that any system that failed to incorporate those features would be rejected by all libertarians — it may be possible to show that the argument from liberty fails as a defense of libertarianism, if it can be shown that the system that emerges from a concern with individual liberty will fail to possess one or more of these core libertarian features.

There are two core features of libertarian systems upon which my argument will rely. The first is the libertarian’s endorsement of wide-ranging and potent negative rights: The libertarian holds that each of us has negative rights against the use of force and coercion, a right not to be harmed or killed, and more generally, a right not to be interfered with. The second core feature identifies an important exception or limitation on these general negative rights: We have a right not to be interfered with — except when we are interfering with others, violating their negative rights. When we are in the process of violating the rights of others then it is permissible to use force against us.

These two features do seem to me to be core features of libertarianism, in the sense that I have explained. I am not claiming that they are the only such core features. It would certainly be plausible to suggest, for example, that a duty to keep one’s promises (and a corresponding right to have promises made to one kept) would also figure as an essential component of all libertarian systems. But for my purposes, so far as I can see, it will not be necessary to take a stand on this matter. We can put aside the question of what other core features of libertarianism there may be, provided that we are in agreement about the two that I have identified.

I have deliberately kept my characterizations of certain aspects of the two features rather minimal. This is particularly true of the first. I have said that the libertarian believes in negative rights that are wide-ranging and potent. In calling them “potent,” I mean to call attention to the libertarian’s belief that these negative rights are forceful and at best rarely overridden. But I do not mean to be saying that the rights are absolute. On this matter I take it that libertarians can disagree. Similarly, although all libertarians would certainly agree that the negative rights are “wide-ranging,” I will not try to define this range here. So, for example, although I believe that virtually all libertarians would think that my negative rights extend to rights over private property, and not merely to rights over my labor and my body, I do not mean to build this into the account of the core feature either.

As far as the second core feature goes, the idea is that libertarians do believe that the use of force is justified in the enforcement of, or protection of, rights. Once again, various questions can be left unresolved, for example, whether force can be used preemptively, or whether punishment after the fact can be justified in this way. Furthermore, if the libertarian goes on to recognize certain positive rights, such as the right to have promises made to one kept, then presumably the second core feature will have to be understood to permit the use of force not merely to stop violations of negative rights, but also to enforce positive rights. But here too we need not pursue these matters.

Armed with this minimal account of libertarianism, we can return to the argument from liberty. If we concede that individual liberty, construed as freedom from interference, is the fundamental moral value, is it a libertarian system that best reflects or captures this value? If the system that emerges contains wide-ranging and potent negative rights, protecting individuals from interference except when they themselves have violated the rights of others, then at least these two core features of libertarianism will have received a defense of sorts. But if the system that emerges does not incorporate these two core features then I think we can safely conclude that as a defense of libertarianism the argument from liberty is a failure.

We are not yet in a position to evaluate the argument from liberty. Up to this point I have spoken of the importance of “reflecting” the value of individual liberty, of having a moral system that “captures” or “expresses” the value of freedom from interference. Such metaphors are certainly evocative, and I
would not want to claim that they are without content. I think we have sufficient grasp of them to feel the intuitive force of the claim that the moral system that best protects individual liberty or reflects its value is libertarianism. Nonetheless, if we are to evaluate this claim carefully I think we need to find a somewhat more explicit formulation.

What I take to be the most plausible suggestion is itself perfectly familiar, and as often as not the argument from liberty is presented in these terms from the start: Given that individual liberty is the supreme moral value, morality should grant the most extensive liberty – the most extensive freedom from interference – possible, compatible with the same liberty being granted to all. The central claim of the argument from liberty, therefore, is that libertarianism is the moral system that grants the most extensive freedom from interference with like freedom for all. It is this claim that I aim to dispute.

III

Before turning to see whether or not it is indeed libertarianism that grants the most extensive freedom, it may be of some interest to consider the basis of the significant qualification that the moral system we are looking for must be one that grants like freedom for all. That is, the aim is not that of finding the moral system that grants the greatest personal liberty possible (say, to some particular individual); it is, rather, that of finding the system that grants the greatest personal liberty with the same liberties being granted to everyone. We are looking, not for the system with the greatest liberty, but only for the one with the greatest equal liberty. The importance of this “equality constraint” is evident. Without it, for example, it might well turn out that the system that grants the greatest individual liberty is one in which someone – let us say, Josiah S. Carberry – is moral dictator, able to do absolutely whatever he wishes, with all others morally required to obey his commands. Arguably, Carberry’s freedom under such a system is greater than that to be had under any alternative system, libertarianism included. But even if this is so, it will hardly give the libertarian grounds for dismay: what we are after is the most extensive system of liberties with the same liberties being granted to everyone. It is this criterion which the libertarian claims to meet.

Well and good, but just where does the equality constraint come from? We are working from the assumption that the only fundamental moral value is liberty – how now do we suddenly start insisting upon the importance of equality as well?? Doubtless, it is tempting for the libertarian to say that the equality constraint is merely a “formal” constraint. But if this means a constraint imposed by logic, a constraint that will eliminate only incoherent moral systems, then I think such a claim is mistaken. (The system with the moral dictator, however implausible, does not seem to be an incoherent one.)

The realization that the equality constraint is not formal in this sense makes it tempting in turn for the critic of libertarianism to insist that the libertarian has appealed to a second substantive value – equality – along with that of liberty. What’s more, the equality constraint seems to reveal that even the libertarian recognizes that equality has priority over liberty, and if that is so here, why not elsewhere? Thus the libertarian seems to have opened the door for a return of the first of the two objections mentioned in section I.

I suspect, however, that this second interpretation of the origin of the equality constraint is mistaken as well. The equality constraint should not be viewed as the importation of a second, substantive value. It is indeed a formal constraint – but in the sense that it gives a determinate form to the appeal to liberty. Of course, other possible formal constraints are available as well. Thus one could search instead for the system that gives the greatest total liberty, or the system that gives the greatest average liberty, and similarly for other, more complex functions. The choice between these is not dictated by logic, so it is not merely formal in that sense. But the constraint is formal in that one or another of these various possible functions must be chosen if the argument from liberty is to have a determinate form. What the equality constraint provides is a particular “shape” for the appeal to liberty, a “form” that can be filled, rather than a second, substantive value. And this form, like the others, could in principle be filled by alternative contents, provided by alternative substantive values. (Thus we could aim at finding the system with the greatest equal liberty, or the greatest equal utility, or the greatest equal moral virtue, and so on.)

If something like this is correct, then the truth lies somewhere between the first two accounts of the equality constraint. Acceptance of the equality constraint does not introduce a second, substantive value – one that can be promoted independently, and that can in principle conflict with the value of liberty. But it is nonetheless true that acceptance of the equality constraint rather than one of the alternatives is indeed a further choice in need of justification. In particular, recognition of liberty as the fundamental value does not in and of itself dictate acceptance of the equality constraint rather than one of the others.

In thinking about possible justifications for the equality constraint, it is important not to confuse two distinct claims. The first claim is relatively modest, and holds that the liberty of all individuals is to count, and to count equally, toward the assessment of the various possible moral systems. Many will think that this first claim is self-evident, or guaranteed by certain elementary conceptual truths. What is important for our purposes is to see that this first claim – however it is to be defended – must be distinguished from a second, bolder claim, which holds that the liberties of all individuals must be equal under an acceptable moral system. (As an analogy, consider the differ-
ence between the modest claim accepted by utilitarians that the welfare of all is to be counted equally, and the bold claim insisted upon by egalitarians that the welfare of all should be equal.) The second claim goes beyond the first, and so a defense of the first will not necessarily constitute a defense of the second. But it is only the second claim that yields the equality constraint that is at work in the argument from liberty. It is the second, bold claim that must be defended by an advocate of that argument.

How, then, is the imposition of the equality constraint to be justified? I will not attempt to answer this question here; I certainly do not think the answer is obvious. But it must be admitted that the equality constraint does seem plausible for all that. So let us simply grant the libertarian the legitimacy of imposing the equality constraint. And let us add this to our earlier concession — also made for the sake of argument — that freedom from interference is the sole fundamental value. Given these premises, it does seem plausible for the libertarian to hold that the most acceptable moral system will be the one that grants the most extensive liberty, subject only to the qualification that the same liberty is to be granted to all. The question still facing us, and to which we can now return, is whether the libertarian is in fact correct in her claim that it is libertarianism that best meets this standard.

IV

There remains one further interpretive matter that must be addressed before we can evaluate the central claim of the argument from liberty. We are to look for the system that provides the most extensive individual liberty, with equal liberty for all. But what, exactly, is the nature of the liberty that is to be provided?

It is natural to think that we have already answered this question. The liberty in question is negative liberty, freedom from interference. But in point of fact I think that this is still subject to different possible interpretations, and depending upon what precise interpretation we take, the argument from liberty will lead us to strikingly different conclusions. Which system grants the most extensive freedom from interference will depend crucially upon what we take the relevant freedom to be.

One possibility is this. The relevant sort of freedom from interference includes, and is perhaps even limited to, freedom from interference by morality. On this conception, when morality imposes a requirement upon an agent that he perform a given act, or refrain from performing a given act, this interferes with the agent’s freedom. Although this conception of freedom from interference may not be the one that most readily comes to mind, it is, I think, one that many people endorse. It is certainly a common objective to moral systems (such as utilitarianism) that impose pervasive and severe de-

mands that such systems radically restrict the agent’s freedom. Each time a moral system imposes an obligation, it forces the agent to act in the way specified: Moral requirements thus interfere with and limit the agent’s freedom.

I am not myself convinced that such talk of morality “forcing” an individual to act in a given way, or “interfering” with an agent’s freedom, is legitimate. As I see it, the existence of a moral requirement simply consists in the existence of morally decisive reasons for acting in the given manner. And reasons do not by themselves coerce, or force, or interfere. Or so it seems to me. But many people seem to feel rather differently about the matter, and it is plausible to think that libertarians may well be among this group.

After all, in the course of defending libertarianism by appeal to the argument from liberty, libertarians are apt to point out that under libertarianism the agent is free to do as he sees fit, so long as he does not interfere with the similar freedom of others. A straightforward interpretation of this remark is that the agent is morally free to do as he sees fit — that is, he is free from moral requirement. But why is such a remark even relevant for supporting the claim that libertarianism is the system that grants the most extensive individual freedom (with similar freedom for all)? Obviously enough, it will be directly relevant if such freedom from moral requirement is to be counted as part of the individual freedom with which the argument from liberty is concerned. Thus it is reasonable to think that in looking for the moral system that provides the most extensive individual freedom (with equal freedom for all), the libertarian intends to include freedom from moral interference.

Let us consider the possibility that this is in fact the only freedom from interference with which the argument from liberty is concerned. I am not suggesting that this is the most natural interpretation of the argument from liberty, but it will be helpful if we can first consider several “pure” versions of the argument, where it is only a particular sort of freedom from interference that is at issue. The possibility of more pluralistic, or “mixed” arguments can be considered later.

On this interpretation of the argument, then, we are looking for the moral system that grants the most extensive individual liberty — construed as freedom from moral requirement — subject only to the condition that similar liberty is to be granted to all. Since freedom from moral requirement with regard to any given act is the same thing as being morally permitted to either perform the act or not perform the act, under the current interpretation of the argument from liberty we are looking for the moral system that provides the most extensive set of moral permissions, with similar permissions being granted to all. But the system that does this will not be libertarian at all; it will rather be a system with no moral requirements whatsoever, a system in which each agent is morally permitted to do absolutely anything.
A system in which everything is permitted is obviously not a libertarian one. It lacks the first core libertarian feature that I identified in section II. Libertarians believe in wide-ranging and potent negative rights; but the effect of such rights is to require everyone to refrain from interfering with others, to refrain from using coercion and force. Since libertarians believe we are all required to respect these negative rights, they certainly believe in the existence of moral requirements. But the system in which everything is permitted is one in which there are no moral requirements at all. So if I am right in claiming that this is the system that grants the greatest individual liberty — construed as freedom from moral interference — then it is certainly not libertarianism that is supported by the argument from liberty, at least under our first pure interpretation of that argument.

Can the claim that it is this system of unlimited permission which grants the most extensive freedom from moral requirements be resisted? It is difficult to see how. Since this system has no requirements whatsoever, it seems clear that no alternative system could possibly offer more extensive freedom from moral requirement. And it is obvious, at any rate, that in comparison libertarianism offers far less freedom from moral interference.

It might be objected, however, that the system of unlimited permission fails to satisfy the equality constraint. (And if this is so, it might still be the case that libertarianism is the system that offers the most extensive freedom with equal freedom for all.) A hasty critic might reason as follows: Under the system of unlimited permission, an agent is permitted to interfere with the freedom of others, harming them, or even killing them; yet if this happens the victims will hardly possess the same freedom as that had by the agent; so this system does not yield equal liberty for all. But this objection loses sight of the fact that under this first interpretation of the argument from liberty it is only freedom from moral interference that is relevant. It is this freedom that must be extended equally to all. And under the system of unlimited permission it is extended equally to all: Everyone is equally permitted to do any act whatsoever.

I conclude, therefore, that if the argument from liberty is understood as being concerned solely with freedom from moral interference, it is in fact a system of unlimited permission which is supported. As a defense of libertarianism, the argument fails.

V

The argument from liberty

interference. If freedom from interference is of value, what is of value must certainly include freedom from acts of interference, that is, interference by embodied human agents.

This suggests a second possible interpretation of the argument from liberty. We are interested in finding the moral system that grants the most extensive freedom from interference. And we are taking this to include, or perhaps even to be limited to, acts of interference by other agents. So we are looking for the moral system that grants the most extensive freedom from acts of interference. Perhaps, then, we should understand this as saying that we are looking for the system that provides the most extensive protection from the interference of others.

But what kind of protection is it that can be offered by moral systems per se? The straightforward answer seems to be: moral protection. That is, a moral system can protect us from a given kind of act, in a given situation, by morally ruling out acts of that kind in that particular situation. Thus, for a moral system to grant us freedom from acts of interference is for that system to forbid acts of interference. (In this way it protects those who could otherwise be permittedly interfered with.)

So let us consider a second pure interpretation of the argument from liberty. Let us suppose that the argument from liberty is concerned with the provision of such moral protection from acts of interference, and that its sole concern is with the provision of such protection. On this second interpretation, then, the argument's concern with providing freedom from interference is understood solely in terms of providing moral freedom from acts of interference. (In contrast, on the first interpretation, the concern with providing freedom from interference was understood solely in terms of providing freedom from moral interference. Thus the first interpretation aimed at the absence of moral requirements, while the second aims at the presence of certain moral requirements — namely, those prohibiting interference.) Once again, I am making no particular claim as to whether this new construal of the argument from liberty is the most plausible one, but as before, I think it helpful to consider the various pure versions of the argument first.

On this second construal of the argument from liberty, we are looking for the moral system that provides the most extensive moral protection from acts of interference, subject only to the qualification that equal protection is to be provided to all. Now as already noted, a moral system provides protection from a given kind of act by ruling it out in some situation or the other — and the more widespread the circumstances under which the act is forbidden, the more extensive the protection. Thus if we are looking for the system that provides the most extensive possible protection from acts of interference, it seems that we will be led to a system that prohibits acts of interference in all,
or virtually all, circumstances. It seems plausible to take this to mean that the system that emerges will be one that includes wide-ranging and quite powerful negative rights.

At first glance, this result will give comfort to the libertarian. Unlike the first interpretation, this second interpretation of the argument from liberty leads us to moral systems that incorporate the first core feature of libertarianism: wide-ranging and potent negative rights. But this does not mean that it is indeed libertarian systems that provide the most extensive moral protection from interference. Unfortunately for the libertarian, the systems that emerge from this second version of the argument will still fail to be libertarian, for they will fail to incorporate the second core feature of libertarianism.

This second feature, it will be recalled, permitted the use of force against those who were in the process of violating the rights of others. It provided a significant exception to the general rule that under libertarianism we are forbidden to use force against, or otherwise interfere with, other individuals. According to libertarianism, we are permitted to interfere with those who are unjustifiably interfering with others.

But no such exception will be included in the moral systems that emerge from the current version of the argument from liberty. The more extensive the prohibitions against interference, the more extensive the moral protection from acts of that sort. Thus the systems that provide the most extensive moral protection from interference will be those that simply forbid the use of force – even against those who are in the process of violating the rights of others. That is, the systems that emerge will be versions of pacifism, not libertarianism. And it should be noted that it will be pacifism of a rather extreme sort: not only will it be impermissible to kill, or to use physical violence, to defend oneself from unprovoked attack; it will even be impermissible to jail or otherwise constrain aggressors. (Just how extreme the pacifism is will depend on how widely we construe “interference.” This is a matter I put aside in section II; but presumably jailing someone will count.)

Once again, a hasty critic might object to this argument on the grounds that it fails to take into account the equality constraint: If a victim of unprovoked attack cannot use force to fend off the attacker, then her freedom from interference will obviously be diminished. So if we are restricting our attention to systems that grant equal freedom to all, we must permit interference with those who unjustifiably interfere. But as with the similar objection raised in the previous section, this criticism fails to bear in mind the particular sense of freedom from interference that is relevant to the present interpretation of the argument from liberty.

As we are currently understanding that argument, it is concerned solely with the provision of moral protection against acts of interference. The equality constraint demands in turn that this protection must be given equally to everyone. But the system of extreme pacifism we are considering does give the same moral protection to everyone: Absolutely everyone is protected by the same set of negative rights. This is true even for the victim of aggression. She is interfered with, to be sure; but even though they are violated, the negative rights protecting her are the same as those protecting everyone else. The equality constraint is indeed met.

It seems, then, that if we interpret the argument from liberty as being concerned to find the moral system that provides the most extensive moral protection from acts of interference, with equal protection for all, the system that best meets this standard will be a system of extreme pacifism. Since such a system prohibits interference even against those who are violating the rights of others, it lacks the second core feature essential to libertarian systems. And what this means, of course, is that as a defense of libertarianism, the argument from liberty is still a failure.

VI

Reflection on the argument of the previous section suggests, once more, a natural response. Freedom from interference should indeed be construed as freedom from acts of interference. But what is fundamentally of value in such freedom is not the presence of moral protection against such acts; it is, simply, the absence of the acts of interference. If we value negative rights it is primarily, or perhaps even solely, because they typically secure for us what is genuinely of value – lives free from acts of interference, that is, lives in which others simply do not interfere with us. But as the example of the victim of aggression shows, one can have the former without the latter, one can have the moral protection without the “tranquility.” Yet it is the actual tranquility – the concrete, historical fact about a person’s life that others have not interfered with that person – that is of fundamental value. The libertarian might suggest that recognizing this explains the importance and legitimacy of a right to self-defense. Permitting the use of force against those who are violating the rights of others helps to secure the tranquility that would otherwise be taken from the victim.

This points to a third possible interpretation of the argument from liberty, according to which the possession of tranquility is the argument’s sole concern. On this approach to the argument – our last pure interpretation – finding the moral system that provides the most extensive freedom from interference is to be understood as being a matter of finding the system that actually produces the most tranquility. That is to say, we are looking for the moral system under which the smallest amount of human interference will occur. It should be noted that understanding the argument in this way introduces a significant change from the first two interpretations. When talk of “free-
dom from interference" was understood in terms of morality’s lacking requirements (the first interpretation) or morality’s forbidding interference (the second), perfect freedom was, as it were, available at the stroke of a pen. Since possession of the relevant sort of freedom was directly constituted by morality’s having or lacking the relevant requirements, it was an easy matter to describe moral systems that logically guaranteed complete and perfect freedom of the relevant sort. But since freedom from interference is understood in terms of tranquility, provision of the relevant freedom is no longer directly constituted by the various requirements and permissions of morality. It is not morality that directly provides tranquility; it is, rather, human agents, who refrain from interfering with one another. Of course, since morality can influence human action, it can have an impact on the extent to which tranquility is in fact provided. Thus provision of tranquility can indeed be a goal to be kept in mind as we design and evaluate alternative moral systems. But what design will provide the most extensive tranquility is an empirical rather than a logical question.

On this third interpretation, then, the argument from liberty instructs us to find the moral system that, as a matter of empirical fact, is most conducive to tranquility. That is, we are to find the particular system of permissions and requirements that maximizes tranquility. When the argument is understood in this way, libertarianism certainly emerges as one possible outcome. The existence of wide-ranging and powerful negative rights under libertarianism would presumably elicit respect from many people on many occasions, and so would significantly reduce acts of interference; and those tempted to violate these negative rights might well be deterred, either by the thought that under libertarianism force could be permissibly used against them, or else by the actual use of such force. And so, it might be suggested, under a libertarian regime tranquility would be extensive and widespread.

The difficulty with this argument, of course, is that it seems possible that some alternative moral systems might do even better in terms of promoting tranquility. This is of course an empirical question, but it is not too hard to think of cases in which it seems that tranquility might well be better promoted by allowing departures from libertarianism. For example, it seems plausible that many acts of interference — crimes of sundry sorts — are caused by people who lack alternative means of providing for themselves. It seems possible that various welfare programs — minimum income, guaranteed education, job training, job provision, and so on — might significantly reduce such criminal acts of interference. But effectively providing for such welfare policies might well require coercing the better-off members of society, even though they themselves have not violated anyone’s negative rights, or interfered with anyone. To be sure, such interference with the better off would itself constitute a reduction in tranquility, but it might be amply compensated for by the increase in tranquility constituted by the reduction in crime. In short, such a welfare state might provide more extensive tranquility overall.

Of course even if this empirical claim is correct, this is only an objection to the argument from liberty if such a welfare state is incompatible with libertarianism. Most libertarians would presumably think so; I imagine that most libertarians would claim that the coercion of the better off that I have described would violate the negative rights which comprise the first core feature of libertarianism. But whether this is actually so or not depends on how the welfare state is maintained, and even more importantly details concerning the range of the negative rights. Obviously enough, if the libertarian’s negative rights include property rights, then it seems quite likely that the welfare state will be incompatible with libertarianism. But in section II the possibility was left open that, although extensive, the negative rights embraced by the libertarian are limited to rights over one’s labor and one’s body. And it is at the very least not obvious that maintaining welfare programs will require violating these rights.

So let us consider one more example, even more schematic. Suppose that by killing one innocent person I can save the lives of two other innocent people who would otherwise be murdered. Imagine that there is no other way to save the two, and all other things are equal. I take it that under any libertarian system at all, it would be impermissible to kill the one; however narrowly we construe the libertarian’s negative rights, they are presumably wide enough to cover cases of this sort; and since the one has not violated anyone’s rights, this is not a case in which force can be justifiably used against him. And yet it seems plausible to claim that killing the one would nevertheless maximize tranquility: Two lives would be free from horrendous acts of interference, rather than only one. Therefore, a system that permitted killing the one, in at least some cases of this sort, would better promote tranquility. But such a system would most certainly not be a libertarian one. And so libertarianism still fails to find support, even under this third interpretation of the argument from liberty.

Again one might object that this argument fails to consider the implications of the equality constraint. Our habitually hasty critic might complain that our aim is not, strictly speaking, that of finding the system that maximizes tranquility; it is, rather, that of finding the system that maximizes tranquility subject to the constraint that equal tranquility is to be provided to all. Yet if the one is killed to save the two, the one obviously suffers a loss of tranquility unmatched by any of the rest of us! Thus a moral system that would permit killing in such cases does not satisfy the equality constraint, and so cannot claim to be the system that best meets the standard put forward by the argument from liberty.

Both times previously when the comparable objection was raised, the
equality constraint had in fact been perfectly satisfied. This time, however, I must concede that it has not been. If we kill the one to save the two, this certainly imposes upon the one a loss of tranquility unmatched by an equivalent loss on the part of, say, the two. But this admission can bring no comfort to the libertarian, for it seems clear that in cases of the kind I am describing, the equality constraint simply cannot be met. If we kill the one to save the two, the one possesses less tranquility than the two. Yet if we forbid killing the one — as the libertarian would have us do — then the two will be murdered, and so they will possess less tranquility than the one. Strict equality of tranquility is simply unavailable. So if this third version of the argument from liberty is going to keep anything like the equality constraint at all, it will have to be satisfied with something like equalizing tranquility so far as this is possible.

This modified constraint is, admittedly, vague, but there is no obvious reason to believe that a system that permits killing the one will fail to satisfy it. And whatever the merits of this particular case, it still seems quite likely that in at least some cases, interfering with certain individuals who have not themselves interfered with others may better promote the goal of maximizing tranquility, even when this is subject to the constraint that tranquility is to be equalized as far as this is possible. There is at any rate, no reason to think that it is libertarianism that best meets this standard.

VII

We have so far considered three different versions of the argument from liberty, each with its own interpretation of the central notion of freedom from interference. None of these arguments succeeded as a defense of libertarianism. However, a plausible explanation of this fact is not hard to find. For all of the arguments we have examined up to this point have been pure, in that each was concerned solely with a single kind of freedom. Perhaps, then, the libertarian would do better with a mixed or pluralistic interpretation of the argument — one in which all three conceptions of freedom from interference were taken into account. On such a mixed interpretation of the argument from liberty, freedom from interference would be a complex matter, with three “components”: the absence of moral requirements, the presence of moral prohibitions against interference, and the nonoccurrence of acts of interference. Our concern would be to find the moral system that provides the most extensive freedom — where freedom was understood to have this complex character — subject to the constraint that this freedom had to be distributed in as close to equal a manner as possible.

Such a pluralistic approach to the concept of freedom from interference has an undeniable attractiveness. We might well wonder, after all, what the true value would be of having any one of the three components, if it is not combined with the others. For example, what would be the point of having freedom from moral interference (i.e., absence of moral requirements), if other people were nonetheless morally permitted to interfere with you (i.e., lack of moral protection)? Or what would be the point of having tranquility (freedom from acts of interference) if you were nonetheless morally obligated to make the relevant sacrifices anyway (lack of freedom from moral interference)? Questions like these do not so much undermine the claim that freedom from interference is a value; rather, they reinforce the thought that freedom from interference is a complex matter, and that it has its full value only when its several components are all present.

So it seems plausible for the libertarian to suggest that the argument from liberty is to be understood in terms of such a mixed interpretation. We want to find the moral system that grants the most extensive freedom from interference (subject to the modified equality constraint), recognizing that freedom from interference involves all three of the components we have identified.

In fact, however, recognizing that freedom from interference is a function of all three components does not make it easier to argue for libertarianism — it makes it harder. The difficulty of course is that the three elements can conflict. One system may provide more tranquility, but include more moral requirements. Another system may include more freedom from moral requirements, but less moral protection from acts of interference. How are we to choose between them?

Now if there were a single system such that for each of the three elements that system provided more of that particular element than did any alternative system, we could of course safely conclude that it was this system that provided the most extensive freedom from interference. But there can in fact be no such system, maximally effective in all three categories. (And, at any rate, libertarianism is certainly not such a system.) So we are forced to choose between “imperfect” systems, systems that do better in terms of one component while doing worse in terms of another. But what is to guide our choice? How are we to decide which systems provide more extensive freedom from interference taking all three components into account? Lacking some reasonably specific proposal about how the various components trade off against one another, it is difficult to see how we are to judge that a given system does better in this regard than another. But then what grounds do we have for accepting the claim that it is indeed libertarianism that provides the most extensive freedom from interference?

The libertarian might hope that despite our lack of a theory concerning how the three components are to be weighed against one another, we might nonetheless find ourselves capable of making intuitive judgments on these matters. If these intuitive judgments supported the claim that it was indeed libertaria-
nism that provided the most extensive freedom from interference overall, and if these intuitive judgments were ones in which we had a high degree of confidence, then they might suffice for the purposes of the argument from liberty, even though we lacked an adequate account of their theoretical basis.

Unfortunately, for the libertarian, however, it does not seem to me that we find ourselves in possession of the requisite intuitions. In my own case, at least, when I try to muster intuitive judgments comparing different moral systems with regard to freedom from interference, explicitly bearing in mind its complex character—often no judgments are forthcoming at all, and I have no great confidence in those that I can evoke. Many initial intuitions disappear altogether once I remind myself that all three components are to be given weight; others become shaky and uncertain. At times, of course, I do share the intuition that it is libertarianism that grants the greatest freedom from interference; but at other times this claim seems just as plainly false. In short, once we realized the complex nature of freedom from interference, I doubt that our intuitions by themselves provide any kind of reliable support for libertarianism.

This leaves the libertarian in need of some more specific proposal concerning how the three components of freedom from interference are to be combined. One suggestion I find particularly intriguing starts with the observation that two of the components—moral protection and lack of moral requirements—are in a certain kind of logical balance: Each time we add moral protection against some further type of human interference, we necessarily reduce the freedom from moral interference. For each extra bit of protection against a given kind of act consists of a new prohibition, which is to say a new moral requirement, constraining the behavior of others. And given the equality constraint, we cannot protect one person without offering the same protection to everyone. So any increase in moral protection against human interference necessarily triggers a corresponding reduction in freedom from moral interference. Similarly, any reduction in moral protection against human interference necessarily triggers a corresponding increase in freedom from moral interference.

To put the same point the other way around, increasing moral requirements can increase the amount of moral protection from acts of interference—in those cases where the extra requirement is a requirement not to interfere. But not all extra moral requirements increase the protection from interference. One could, for example, add a moral requirement that we aid the needy; this would increase moral interference without adding any extra moral protection against acts of interference. Accordingly, eliminating such moral requirements—that is, eliminating moral requirements that do not have the function of creating moral protection against interference—would reduce moral inter-

ference, without reducing moral protection against interference. Putting aside for the moment questions of tranquility, such a change would necessarily be superior in terms of the mixed interpretation of freedom from interference as it would increase the extent of one of the components, without reducing the second.

Suppose then that we restrict our attention to moral systems that are optimal in this way in terms of these two components. That is, suppose we restrict our attention to systems for which there could be no further increase in freedom from moral requirements without thereby reducing moral protection from interference. This will certainly eliminate some of the moral systems that compete with libertarianism since, as we have just seen, it will rule out systems that require you to aid others, rather than merely requiring you to refrain from interfering with them.

On the other hand, it is still true that a large number of alternative systems will provide a balance of permission and protection that is optimal in the present sense. At one extreme, we have the system of unlimited permission discussed in section IV; at the other extreme, we have the system of extreme pacifism discussed in section V. Libertarianism will be optimal as well, and will lie somewhere in between these two. (There are of course many other optimal systems beyond these three.) Since all three of these systems are optimal, and since all satisfy the equality constraint, there is still no ground for preferring libertarianism.

But now we can reintroduce tranquility. As we noted in section VI, libertarianism can plausibly argue that it does a fair job of promoting tranquility. It seems plausible to hold that it will do better on this score than either of the two extreme positions—unlimited permission or extreme pacifism. So the conjecture might be made that libertarianism is the moral system that best promotes tranquility while remaining optimal in terms of permission and protection.

Offering this conjecture is compatible with admitting that there are other systems that may do better than libertarianism in terms of tranquility alone. Consider, for example, a moral system that consists simply of a requirement that one perform the act that best promotes tranquility (distributed as equally as possible). Such a consequentialism of tranquility would presumably do better with regard to tranquility than would libertarianism. But it would certainly not be optimal with regard to permission and protection; in many cases requirements to do particular acts could be eliminated without thereby reducing moral protection from interference (the level of tranquility might go down, but not the level of moral protection).

Accordingly, the libertarian might propose that the argument from liberty should be understood as instructing us to find the moral system that best promotes tranquility while remaining optimal in terms of freedom from moral
interference and moral protection from human interference. If the three components of freedom from interference are ordered in this way, then perhaps we have at last found the standard according to which libertarianism does best.

Although I do find this proposal intriguing, it faces two obvious difficulties. The first question is why permission and protection should be given this kind of lexical priority over tranquility. Why should our concern for promoting tranquility be restricted to choosing among systems that are optimal in terms of moral interference and moral protection? Why rule out systems that might do significantly better in terms of tranquility even if somewhat less well in terms of the balance of permission and protection? Nothing in the realization that freedom from interference has a complex character entails that one of the components should take a back seat to the other two. Nor can I think of any plausible way for the libertarian to motivate this strong ordering.

But there is a further objection. Even if the specified ordering of the three components is granted to the libertarian, there remains the empirical question of whether libertarianism is indeed the optimal moral system that best promotes tranquility. For reasons similar to those given in section VI, I find this empirical conjecture implausible. Recall the schematic example in which I can save two innocent people from being murdered, but only if I kill a third innocent person. Admittedly, a moral system that required me to kill the one in cases like this would not be optimal (eliminating the requirement would reduce moral interference, without reducing moral protection); so such a system poses no threat to libertarianism under the current interpretation of the argument from liberty. However, a moral system that merely permitted me to kill the one could be optimal (eliminating such a permission would increase moral interference). And it seems that it would better promote tranquility as well (if I killed the one, two would be free from horrendous acts of interference, rather than only one). Yet as we have seen, such a system would not be libertarian; it would permit interfering with those who have not themselves interfered with others or violated their rights.

So libertarianism is not in fact the optimal system that best promotes tranquility. Even given the current interpretation of the argument from liberty, the defense of libertarianism fails.

VIII

One possible response to the argument I have given in sections VI and VII is this. In both cases, my objection to libertarianism has been on the grounds that greater tranquility can sometimes be achieved by deliberately sacrificing the tranquility of some innocent person. I have claimed that once we recognize the value of tranquility, we have to be open to the possibility that interfering with someone who has not interfered with anyone else might nonetheless reduce the amount of interference overall. In short, I have assumed that the proper approach to take with regard to tranquility is maximization. It might be suggested, however, that there are actually two possible approaches one can take to any given value: The first is to maximize (instances of) the value; the second, incompatible, approach is to respect the value. By assuming that it is maximization of tranquility rather than respect for tranquility that is called for, I may have begged the question against the libertarian.

For our purposes, the salient difference between these two approaches is that with maximization the aim is to produce as great an amount of the given value as possible; accordingly, one is prepared to make smaller, local sacrifices of the value when necessary for the sake of overall, global gains. In contrast, when a value is respected, one is never prepared to go “against” it, or to “violate” it, even for the sake of greater gains overall; promotion of the value – or indeed of any other goal – is limited to means that do not themselves constitute violations of that value.

The argument from liberty is grounded on the assumption that freedom from interference is the fundamental value. Given this assumption, we are led to try to find the moral system in which this value is best reflected. And if freedom from interference is to be understood at least in part in terms of tranquility, we are led to try to find the moral system in which the value of tranquility is best reflected. But which systems count as best reflecting the value of tranquility will obviously depend on whether that particular value is to be maximized or respected. If tranquility is to be maximized, I have argued, we will be led to systems that differ from libertarianism in that they sometimes permit interfering with individuals who have not themselves interfered with others. But if it is rather respect for tranquility which is the appropriate approach, then this result is blocked; in looking for the moral system in which the most extensive tranquility is granted, we will have to restrict our attention to systems that respect the value of tranquility.

Now I have been arguing that there are various systems that do better in terms of promoting tranquility than libertarianism does. This is true, however, only by virtue of the fact that – unlike libertarianism – each is sometimes willing to sacrifice someone’s tranquility for the sake of greater tranquility for others. But this means that these systems fail to respect tranquility; and so, if tranquility is to be respected rather than maximized, they can be ruled out. Thus it remains possible that it is indeed libertarianism that best expresses the value of freedom from interference, where this includes tranquility.

I will not here undertake the task of determining how the libertarian might try to defend the claim that tranquility is indeed to be respected rather than maximized. Along with the various other foundational assumptions of the argument from liberty, I propose to simply grant it for the sake of argument. For even when this further assumption is granted, it still does not seem to me
that it is libertarianism that emerges from the argument from liberty. On the
contrary, we are led, once again, to a system of extreme pacifism, of the sort
described in section V. After all, the current suggestion is that if I use force
against someone, or otherwise interfere with them, then I am sacrificing or
violating the value of tranquility, in a way that is ruled out by the respect
approach. But if this is so, then it seems to me that it must remain true even if
the person I am interfering with was herself in the process of unjustifiably
interfering with another. If we are always to respect tranquility, if tranquility
can never be sacrificed, then I cannot permissibly defend myself or others by
interfering with the would-be aggressor, actively sacrificing her tranquility.
Yet libertarianism holds that it is permissible to interfere with those who are
violating the rights of others; this was the second core feature of libertarian
systems. Apparently, then, taking a respect approach to tranquility rules out
libertarianism.

One possible response to this argument would be to claim that the use of
force against an agent who is herself unjustifiably interfering with others does
not actually constitute interference. But this claim seems false on the face of
it. Even if we are justified in interfering with an aggressor, it is not any the
less interference for that fact. (Interference should not be confused with
unjustified interference.)

A more plausible response would concede that using force against an ag-
gressor is of course interference, but would hold that the use of interference in
such a case is nonetheless legitimate. Since we are assuming a respect
approach to tranquility, a person taking this line would have to hold that interfer-
ing with someone for the sake of stopping them from interfering with some-
one else does not actually show disrespect for the value of tranquility.

There are two difficulties facing this reply. First, of course, it is unclear
how it is to be defended. Is it a general truth about value and respect that
"infringing" a given value to stop someone from violating that value is itself
compatible with respecting that value? Or is this true only in the special case
where the particular value being respected is tranquility? And at any event,
why should we believe that it is true at all? Second, if it is compatible with
respect to infringe a value so as to stop someone from violating that value,
why is this so only when your infringing of the value is directed at the very
person who is trying to violate the value? Why wouldn't it also be compatible
with respect to infringe the value with regard to innocent bystanders, if this is
indeed the only way to stop the person who is trying to violate the value? Less
abstractly, if it is compatible with respect for tranquility to kill the would-be
murderers in order to save their two innocent victims, why wouldn't it also be
compatible with respect for tranquility to kill an innocent third person, if this
were the only way to save the two?

Lots of rhetoric gets produced in response to these questions, but little by

way of convincing argument. For example, it is sometimes suggested that
using force against violators of a given value actually affirms the significance
of the value that the person was trying to violate; thus, interfering with those
who would violate the tranquility of others actually affirms the value of tran-
quility, rather than showing it disrespect. I find this response unconvincing, at
least within the general framework of the respect approach. But if it did
succeed, it would seem equally successful as a defense of killing the one to
save the two from being murdered: Rather than showing disrespect for the
value of tranquility, killing the one would actually affirm the significance of
tranquility. But this result is itself incompatible with libertarianism. In short,
arguments that try to show the compatibility of the respect approach with the
second core feature of libertarianism simultaneously threaten to undermine
the first core feature.

I must admit that these worries do not constitute a proof that no adequate
defense can be provided. That is, it might be that adequate analyses of respect
and tranquility would support the legitimacy of using force against those who
interfere with others, but not against those who do not. So the libertarian
might suggest that if we grant this one final assumption we have – at last – an
argument for libertarianism.

But what we have at this point is actually no longer an argument; it is
simply the promise of an argument. Yes, it is true that if we assume that
freedom from interference is the only fundamental value, and we assume that
respect for this value is the correct approach, and we assume that what respect
yields in this case is the permissibility of interfering with those who are
themselves interfering, but the impermissibility of interfering otherwise, then
we arrive at libertarianism. But this is no argument at all. It really just asks us
to assume that libertarianism is the system that best expresses the value of
freedom from interference. But this assumption is the central claim of the
argument from liberty, and I have argued that there is no good reason to
believe it true, and considerable reason to think it false. To ask that this claim
nonetheless be granted as well is to abandon any pretense of arguing for
libertarianism via the argument from liberty.

IX

It remains tempting to think that the equality constraint must somehow ex-
plain why it is permissible to use force against those who interfere. If this
were so, then the libertarian could resist my claim that once we adopt a
respect approach to freedom from interference, we are led to a system of
extreme pacifism.

The tempting thought, I take it, is something like this: Everyone is entitled
to some minimum amount of freedom; so it must be permissible to curtail
equal amounts of property, for example, and I take some of your property, then I end up with more and you end up with less. Using force to stop me from taking your property, or to make me return it, simply maintains or returns us to the original position of equality. But things are quite different if it is tranquility that is our concern. You and I may both start out with perfect tranquility, but if I interfere with you, this diminishes your tranquility without thereby increasing my own. Using force to stop me does not maintain (or return us to) a position of perfect equality; it simply yields the result that it is now my tranquility that is diminished, rather than yours. Commitment to the equality constraint — whether in its strict or modified form — provides no reason to think that it is the aggressor's tranquility that is to be sacrificed, rather than that of the victim.

Now nothing at all that I am saying should be taken as an argument against the permissibility of using force to stop someone from unjustifiably interfering with others. I am not claiming that a right to self-defense cannot be defended. I am only denying that the argument from liberty has the resources to generate such a right (at least without simultaneously generating other features incompatible with libertarianism).

For example, we might well try to defend the right to self-defense by appealing to considerations of justice, or desert, or any of a variety of other values. Obviously enough, however, if the libertarian starts appealing to such additional, substantive values, she undermines her claims that freedom from interference is the sole fundamental value. But then we no longer have reason to seek the moral system that best expresses the value of liberty, and liberty alone. The libertarian cannot appeal to such values without abandoning the argument from liberty altogether.

X

I cannot claim to have surveyed here all possible forms of the argument from liberty. The notion that we are to seek the moral system that best captures or expresses the value of liberty is sufficiently amorphous that it remains susceptible to a variety of interpretations. In fact, as we have seen, even if we move to the more determinate suggestion that we are to seek the moral system that grants the greatest freedom from interference with equal freedom for all, the argument from liberty can still be given a surprising number of distinct, and incompatible, interpretations. Perhaps then there is some further interpretation of the argument that I have overlooked, which can succeed in underwriting libertarianism. I cannot prove that this is not so. But each time the argument from liberty has been given sufficiently determinate form to evaluate it with care, it has failed as a defense of libertarianism. And this gives us reason to be sceptical of the libertarian’s hope that some other version may yet succeed.
What then explains the intuition that it is indeed libertarianism that most fully expresses the value of liberty, construed as freedom from interference? I am not sure, but I think it may well be that when we are not paying careful attention, we easily conflate the three different elements of freedom from interference that I have tried to distinguish.

Under libertarianism I am free to do as I see fit, except for reducing someone else's freedom. When described in such terms, it does seem plausible to view libertarianism as giving complete freedom to everyone, subject only to the requirement that everyone is to be given the same freedom. But thinking of libertarianism in this way disguises the fact that it is only a very specific mixture of the three elements that is provided by libertarianism. Other mixtures are possible, and there is really nothing in the concept of freedom from interference itself to guide us in libertarianism's direction. Indeed, each time we start out with an account of freedom from interference that has some independent motivation, we are led in the direction of nonlibertarian systems.

The question still remains: What is the moral system that best expresses the value of freedom from interference? As I have pointed out, the answer will depend on our views concerning a number of logically prior matters, including respect versus maximization, and the relative value of the three elements. For myself, I think that if we make the assumption that freedom from interference is the sole fundamental value, the moral system to which we are led is in fact a consequentialism of tranquility. But I hasten to add that I do not think that freedom from interference is the sole value, nor is it even the most important one. I would not want to endorse the argument from liberty in any of its forms.

Under libertarianism, I am left free so long as I leave others free. I have not tried to deny that this thought can often seem an attractive one. What I have tried to show is that — attractive or not — it will not lead to a successful defense of a libertarian system. Libertarianism finds no support in an argument from liberty.

Notes

1 An extremely helpful critical survey can be found in Will Kymlicka, *Contemporary Political Philosophy* (Oxford University Press, 1990), chapter 4. Kymlicka discusses the argument from liberty as well; his criticisms complement, but are largely distinct from, my own.

2 For a valuable discussion of various concepts of freedom, see chapter one of Joel Feinberg's *Social Philosophy* (Englewood Cliffs, N.J.: Prentice-Hall, 1973). Since this essay is being written as part of a volume in Feinberg's honor, a personal recollection may be in order. When I was first preparing to go on the job market from graduate school, I wondered whether I could legitimately list social philosophy as one of my areas of competence — I had written a thesis in moral philosophy, but

had no idea what social philosophy was. So I read Feinberg's classic to find out. And history repeats itself: recently one of my own graduate students told me that he had just read Feinberg's *Social Philosophy* in order to find out if he could list social philosophy as an area of competence!


4 There are of course problems with an approach like this. For example, it is hardly clear how to enumerate acts of interference, or how to measure the "amount" of interference in a given act, nor is it plausible to disvalue all "comparably sized" acts of interference equally. (See Feinberg, 18–19; and Kymlicka, 139–41.) However, even if we put these, and related difficulties aside, and allow intuitive judgments about when we have increased tranquility overall, there remains the question of whether it is indeed libertarianism that is the moral system that does best in this regard.

5 Strictly, this will only be true for minimal libertarianism, which denies the existence of any moral requirements beyond those requiring one not to interfere. Standard libertarianism, which recognizes special obligations generated by voluntary acts of the agent — such as promising — will only be optimal in the "natural" state, prior to the generation of special obligations. I should also note the possibility of modest libertarianism, which would recognize the existence of general moral requirements to provide aid, but would hold that such requirements cannot be coercively enforced (only requirements not to interfere can be enforced); such a version of libertarianism would not be optimal at all, and so could not be defended in terms of the present argument.

6 It can also reduce the victim's ability (i.e., to promote his goals). But the libertarian cannot consistently appeal to this fact; ability per se is irrelevant if, as the libertarian insists, the sole fundamental value is freedom from interference.