

The Free Society
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I will address this subject head-on, and ask, first, what is the free society? And, second, why should we want such a thing? Of course we only ask the first question because we likely do want it. But being more explicit about it is surely a good idea, probably at any time but certainly today.

National Independence is not “freedom”

The first point to make is perhaps fairly obvious but really needs to be made every so often. People frequently develop a yen for national independence: their nation, or somebody’s, is under the thumb of some other nation, and they don’t like that. They talk of freedom, but mean by it the freedom of their *nation* to act independently from other *nations*. But a society might be altogether unfree and still be independent in that sense. If your country is a totalitarian nightmare state, does the fact that it is so on its own, rather than being oppressed by dictators in some other country, help very much? Indeed, does it help at all?

Free People make up the Free Society

What is meant by a ‘free society,’ then, is one whose *people* are free - that is, the individual people in it are free. Not that its “people,” as a single alleged entity, *is* free, but rather that its people, as individuals, *are* free. So, what is it for this to be the case? That is our question here. And in very general terms, the answer is reasonably clear. You are free when nothing prevents you doing what you want. You are free in society, free in the social sense, when other *people* don’t prevent you from doing what you want.

A Question about freedom -- and an answer

At this point we face the first of many important complications. Suppose you have some awful disease, such as cancer. It may well be interfering extensively with your ability to carry on your life. At worst, it might kill you, or leave you incapable of doing much of anything at all. In one obvious sense, a person in that condition is “unfree.” And yet, that same person might be as free as it is possible to be in the political and moral sense. Nobody gave him the cancer, nobody is inflicting it on him. It isn’t anybody’s fault - neither that of the poor victim himself, nor is it anyone else’s fault. However, as we all know, there is intense pressure in modern countries in the direction of imposing taxes on all and sundry in order to create and maintain institutions for reducing the threat or the potency of cancer. And this might be done in the name of freedom, since, after all, cancer (and so on) no doubt can be reasonably described as undercutting the freedom of the person who suffers from it.

Yes, it may: but as I pointed out, it may also be true that the cancer is *nobody’s doing*. This is not always so, to be sure. I do not address here the cases in which it perhaps *is* somebody’s doing: perhaps it was brought on by smoking, say. However, the interesting cases for present purposes are those in which there is no individual or set of them on whom we can put the blame. We are interested in the case where it “just happens.” But taxes, of course, do *not* “just happen.” They are deliberately imposed by governments on citizens. It may sometimes feel like it, but taxes really do not just fall out of the sky on us. Death and taxes are both said to be inevitable, but they are hugely different in that the first happens no matter what - whereas the second happens by deliberate human choice. And not everybody’s choice, either. Enthusiasts for democracy, especially, have a habit of insisting that what democratically elected governments do

is, as it were, done by each and everyone of us, just because we all have the vote. That's what Al Queda said in reference to the murdering of all those people in the Twin Trade Towers: Americans were all equally to blame, since the all had the vote and all paid taxes. Uh, huh. But it's a fraud, of course. What a majority of my fellow countrymen do is one thing, and what I do is another. The fact is that when people are taxed, they are being deprived of income which (normally) *they made*, and this is an imposition on their liberty. Cancer may be an imposition on my liberty, but it's not an imposition by my fellow men. Taxes imposed on me are such an imposition, and they *are* imposed by my fellow men. It is possible to think that we ought to have a choice about this. But we typically don't.

So in my understanding of the "free society," that is compatible with people dying, alas, of causes that are nobody's fault and about which, perhaps, some of their fellow citizens might be able to do something. If they choose not to do it - as almost all of us do, of course - then that may be reprehensible, but it is not an imposition on the freedom of their fellows.

Impositions

In the above, I have talked rather loosely of "impositions," taking it to be obvious that freedom consists in the absence of those. We should look at this more carefully. So, first, *is* that what freedom is? And, second, just what is an "imposition" in the relevant sense for this purpose? Our purpose, of course, is to define the free society. And the implication of this expression is that people in society are free *as members of (human) society*, rather than, say, as members of the universe at large, or of the animal kingdom, or whatever. That is the sort of freedom that is in question: our freedom in relation to each other.

So, what is freedom? I asked this once and answered it in a general way: it's when nothing stops you from doing what you want. But 'nothing' takes in way too much, as I also went on to

observe. For example, it takes in your own desires. They too can prevent you doing what you want: I desire to take this pill, but I want to live to a ripe old age. Now, what?

That's meant as a serious question, and there's a serious answer: namely, that at that point, you have a problem. You do, yes - but it's *your* problem. Internal problems in your soul are serious, but they are not other people's problems. (They are for people whom you are close to, of course, as well as for people you consult who could help; obviously many such problems can benefit from the advice of others. Of course in the free society one is free to seek such advice - it won't be mandatory. The government will not be permitted to make the decisions about what's good for me.) But we're talking about society at large, not the handful of people who are really close to you. To make the getting of help for one's personal problems legally mandatory is certainly to undercut freedom. A society in which everyone looks after everyone else's problems may or may not be a better society. But a society in which everyone is *compelled* to look after everyone else's problems is not a free society, whatever else it is. And a compulsory society is not a *better* society either; but we'll leave that issue until later in this essay.

The serious question about freedom is whether it is possible to make this idea realizable on a universal basis, as Kant and so many others have called for. The Kantian formula of the "universal principle of right" has it that "Every action is right which in itself, or in the maxim on which it proceeds, is such that it can coexist along with the freedom of the will of each and all in action, according to a universal law."¹ The question is, how this "coexistence" can work. We can approach this question on both the theoretical and the practical levels. At the theoretical level, the question is whether one person's freedom can be compatible with another's. Obviously we all want things which are such that we cannot all have them. Unlimited liberty for all is, of course, impossible, and it is silly to talk as though the idea of liberty can be dismissed quickly for that reason alone. But still, it is a problem. The solution to it proposed, down through the centuries, by

¹ Kant, *Doctrine of Right* #I. C - "Universal Principle of Right"

the friends of liberty is to call for each person to respect the freedom of everyone else. We do this by adhering to a principle of *non-imposition*, as described above. And to do that is to have an idea of what belongs to, or is a part of, each person, so that we can tell whether a given action of someone else's is an imposition or not. If there is such a domain, then our principle will be workable.

As an example of an attempt to delimit this domain, consider John Stuart Mill who, in his famous *Essay on Liberty*, says this: "there is a sphere of action in which society, as distinguished from the individual, has, if any, only an indirect interest: comprehending all that portion of a person's life and conduct which affects only himself or, if it also affect others, only with their free, voluntary, and undeceived consent and participation. This, then, is the appropriate region of human liberty." And what lies in this "region"? Mill answers as follows:

"It comprises, first, the inward domain of consciousness, demanding liberty of conscience in the most comprehensive sense, liberty of thought and feeling, absolute freedom of opinion and sentiment on all subjects, practical or speculate, scientific, moral, or theological.

"Secondly, the principle requires liberty of tastes and pursuits, of framing the plan of our life to suit our own character

"Thirdly, from this liberty of each individual follows the same liberty, within the same limit, of combination among individuals; freedom to unite for any purpose not involving harm to others: the persons combining being supposed to be of full age and not forced or deceived.

"No society in which these liberties are not, on the whole, respected is free, whatever may be its form of government, and none is completely free in which they do not exist absolute and unqualified. The only freedom which deserves the name is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs or impede their efforts to obtain it."²

It is clear, however, that the inward domain of consciousness could easily include the acceptance of practical dogmas and doctrines that can motivate their possessors to work great evil on others. Is it so obvious that society may not intervene to prevent the indiscriminate incitement to violence that seems to permeate, for example, many contemporary Muslim madrasas?

² John Stuart Mill, *An Essay on Liberty*, Introductory section.

The same thing goes, obviously, for the liberty of tastes and pursuits, such as a penchant for murdering prostitutes.³ And of course combination with others bent on similar evils is not obviously to be permitted without restriction. Mill, of course, does restrict these, as when he specifies the latter freedom as “to unite for any purpose not involving harm to others.” But of course that gets us back to square one: just what *is* “harm to others,” specifiable in such a way that we may be reasonably confident of restricting it without restricting the things we want to be kept free.

Liberty and Property

We may improve on Mill’s formulations, I think, by moving to an idea of which he also approves, though in later life not as uninhibitedly as could be hoped: that of *private property*. A virtue of this idea is that it is reasonably concrete, so to speak: much property (by no means all) consists of areas of the earth, or material items, whose boundaries are either obvious or can be drawn in a pretty clear way. Insofar as that is a workable idea, we can then summarize the restrictions intended in the call for respecting universal freedom by calling upon all to respect the property of others. That property, as John Locke earlier pointed out, begins with and includes the person’s own body. We then extend it to those items that the individual works with and works on, having in doing so not previously invaded the property of others.

Besides this major virtue, there is the essential point that property can be made transferable only by the voluntary consent of its owner, short of the cases in which he dies before having clarified the matter of who is to be his heir or recipient. But while there are such cases, they do not seriously affect the principle of property and its voluntary transfer. And of course they encourage us to set up registries in which are recorded the names of property holders and specifications of their domains. This is done in virtually all places now, as it affects land ownership in particular. As a partial practical solution to a theoretical problem, it is simple and quite effective.

Can this be sufficiently simulated for nonphysical items? “Intellectual property” has rightly

³ To mention an example with contemporary relevance in Canada, where a man is being tried for the murder of several dozens of these unfortunate women.

become the subject of intensive discussion and debate of recent times. Someone thinks up a good idea and write it down - quite likely on a computer. It can be sent to vast numbers of people at virtually no cost. It is easy to copy and some will copy it in such a way as to make money with it. Others will copy with a view to improvement, and various improvements may actually be made, as well. Just who owns what, and just what about it do they “own”? Those are not easy questions to answer, but they are important. For present purposes, the main point is that property is by no means limited to physical objects, and that property rights are, inherently, liberty-constituting. You are at liberty to do something only if others will not interfere, and a major likely way of avoiding that interference is to enshrine, as a right, that others are not at liberty to interfere.

The Large Question: Social Security

It is hard to be against freedom, but it is easy to redefine it in such a way that it becomes unclear what it is. Many claiming to defend freedom argue that people can hardly be free if they have no income, no land, and no education. Is this so? People, including very famous ones, have risen from backgrounds of total poverty to positions of prominence in the business, art, and political worlds. Does A impose on B if A insists that B do something in return for the income or opportunities that A might be able to extend? Why? How?

Contemporary ideological battle lines are drawn on this issue. Advocates on the relative “left” claim to defend liberty when they insist that the rest of us may be compelled to provide incomes to people who do nothing to earn them, opportunities for people ill-equipped and ill-motivated to take advantage of them, and of course, political power to translate these into demands. Our question here is: are we really promoting the *free society* by doing this? Do the “fortunate” who have jobs, or property, or abilities, or all three, have the duty to support those with none of those assets? Do they have these duties in the interest of *freedom*? On the face of it, at very least, the answer should be in the negative. For if we suppose that these more “fortunate” people have achieved what they have by the normal avenues, then it surely appears that they have done nothing to infringe the liberty of the less fortunate. How is it that the less fortunate are justified in intervening in the lives of the more fortunate, just because the former *are* less fortunate?

There are two questions to be considered here. One is whether genuine *luck* is something that is in the interests of liberty to counteract. If person A gets something through no effort of his own -

just by sheer good luck, then - is that something that justifies person B in forcibly depriving A of those benefits? The second is whether the hard work, skill, or ingenuity of one person, which enables that person to do well, is something which those who have not, with their own efforts, done well and perhaps have been quite unable to do well, are thereby justified in imposing on to their own benefit. I will address both, but we will see that there then arises a third issue which is probably the most basic one, in reality: namely, whether there is, as we might put it, a contribution from the large society that enables the prosperous to achieve their prosperity, and that justifies the imposition of taxes to support that structure and thus, in effect, constitute a legitimate bill for social services rendered.

Let's consider these in turn.

Regarding the first one: there is a considerable movement in philosophical services that thinks to confine justice to the *voluntary* in such a way that whatever comes to anyone by sheer good luck is to be regarded as "public property" - as part of the common resources of mankind at large. They account the existence of natural resources, such as land and useful metals and the like, as a part of that common domain. (The American 19th century writer Henry George was among the pioneers here; he held that *land* in particular could not really "belong" to any one person and should be regarded as the common property of all.) What natural resources and, say, lottery winnings have in common is that both accrue to a given person due to luck rather than to that person's distinctive personal efforts.

Now, there is no doubt that we humans do not, or at least have not so far, "created" basic natural stuffs. And we should agree too that often things do happen to people out of sheer good - or bad - luck. Regarding the latter, one person gets cancer while another does not; and more generally the rain falls on the just and the unjust alike." The question is not whether this happens, but whether it really justifies the conclusion that all such things should be regarded as the common property of mankind. Those who believe that in order to be the just holder of some good, a person must have *done something to deserve it* have a problem here. For of course, just as no individual has done anything to deserve being born to the parents he or she was born to, or to create the earth on which we live, so no *group* of people has done so either. If the fact that one does not deserve something is a reason to justify taking it from him, then we should all of us commit suicide right now. For fundamentally, *none* of us can have deserved our basic genetic inheritance nor the fact th

the world is the way it is, in terms of its basic geography or chemistry. But this, I presume it will be agreed, is crazy. And if it is, then the general premise of this argument must be rejected. It obviously cannot be true that we are *justified* in having *only* what we have “deserved.” This view - oddly termed “left-libertarianism” by its proponents, is founded on a sheer mistake. That something is undeserved simply does not imply that its holder deserves to have it taken from him.

Other things may be said about the view as well. The most fundamental, however, is that the idea that natural resources are *valuable* independently of what anyone does with them is an error. Nothing has any value to anyone apart from what that person can do with it, even if what he or she does is merely to sit back and enjoy the view. But we never make our livings by sitting back and enjoying the view. We do that by working or investing; or by someone else’s working and investing and being willing to bestow some of the benefits of his or her activity on us. The latter is of course, done by choice - the very thing that the “left libertarian” wants to deny to us, by instead substituting compulsion. Any value that purely natural resources has is a function of how they enter into the active lives of people, who learn how to take care of and to improve plants, animals, or other things. In the process, they become able to render useful services to their fellow men, who in consequence may be willing to do something in return. Cooperative effort thus arises, and that is what enables us to do well, and to rise far above the level that nature on its own would leave us at. But cooperative effort is among those who make the efforts - not those who insist on “getting their share” when they have done nothing to make that share possible.

The second issue, then, is whether the persons who produce, just by virtue of the fact that they are able to do so, thereby have a moral duty to help out those who do not, for whatever reason. And again, I think it clear that they do not. Anyone who thinks so needs to ask: *how much*, and *why*?

Notice that we need not deny, and indeed should instead strongly affirm, the virtue of charity. It is, no doubt, beneficial to others to benefit them, and those who do so are owed a debt of thanks by the recipient. And we should all be in favor of people being better off, and unhappy that they are badly off when they are. But that does not add up to a right on the part of *potential* recipients to be *actual* ones: charity is charity, not a requirement of justice. It goes beyond justice.

It is, I would argue, precisely because it goes beyond justice that the just society is the free society, and the free society is likely to be the prosperous and happy society. When people can depend on achieving what they set out to by their activities, without fear of intervention by others,

they will achieve the most, and such people will also, in fact, contribute most to the prosperity of others. It is by exchange, after all, that we acquire almost everything we have, and it takes two part to make an exchange, both of whom benefit from the transaction. Because they do, wealth is spread as it is created. This is true even of multibillionaires, who not only have benefited their various customers, but also the employees who help produce the products that make those billionaires wealthy, but also the many people who make and sell them the assorted “luxury” items they use in their very non-normal lives. Fine cars, remarkable houses, oil paintings, and the rest of it - all of these are things whose producers, in turn, make good livings because there are people out there with enough money to spend on the kinds of things they produce. It is a familiar story to those versed in the rudiments of economics - but it is one that it is easy to forget or to overlook or to disparage.

This brings us to the last question: what about the organization of society? Don't the successful owe their society for the framework, as it were, that enables them to do what they do? And doesn't that mean that we may be rightly taxed to support the welfare state?

Well, no it doesn't, actually. There are two different reasons for saying that it does not. In the first place, it would be impossible to trace in detail the sources of these alleged benefits, in such a way as to show that the whole system, *including* the tendency to supply free livings to the unproductive, is actually contributing to the ability of the well-off to make the incomes they do. People have been becoming successful, or wealthy, for centuries before there was any such thing as a welfare state, or state education, hospitals, and whatever. How is it that suddenly all this apparatus is *necessary* to what has been happening for hundreds of years?

And in the second place, the truly basic aspect of the framework in question is, arguably, *freedom itself*. It is because we can get from A to B without much fear of molestation, because we can make a deal with Smith and be pretty sure that Smith will pay his bills or deliver the goods, and so on, that society is able to improve. But these aspects are not provided by things like the welfare state nor by public education, public health care, and the like - not to mention the “socialized ownership of the means of production”! They are instead provided in small part by the police services of our society, and in far larger part by the very habit of respecting the persons of others that almost everyone in our society does have. You don't get such habits from the welfare state - you get them from parents, peers (if you're lucky), and general intelligent interaction with others. And one of the very things included in that is precisely the rejection of the “welfare state”

syndrome: the attitude, instead, that people must do something for others in order to expect those others to do something for them; the attitude that it is by our well-placed efforts that we improve our lives, rather than by plundering our fellow man.

In a way, then, the third point is the most fundamental, and decisive - but it does not tell in favor of the social welfare attitude, but rather, quite the reverse.

We are accustomed to thinking of the free society in terms of a variety of civil freedoms, notably freedom of religion, of expression, and of "lifestyle." All of these are extensively endorsed by all thinking people, and I do not here pay special attention to them, because they are so nearly uncontested. Of course there are special problems, as I noted at the outset in discussing John Stuart Mill's ideas. Religions can teach people to do great evils to others, and when they do, it is not obvious that the right of freedom includes unlimited religious freedom. Similar points can be made about freedom of speech and expression, lifestyle, or probably any other type of activity that we can be free to engage in. But in the contemporary world, it is the economic and social liberties that are most under attack. The free society has perhaps never been more important, more attainable, or more vulnerable.

Let us hope that it continues to grow, despite its many enemies and critics.