

The Extraordinarily High Burden of Proof for Violating Liberty

Written by Gary Galles.

I am well known at my university as being a libertarian, at least judging by the number of students with libertarian leanings that manage to find me. I find that very rewarding.

One less rewarding consequence of that same fact is hearing something like, “Of course you believe in that; you are a libertarian,” in response to some policy conclusion I have drawn. Not only do such comments often confuse libertarian with libertine, they are frequently expressed in a tone or manner which implies that I support or oppose something *only* because I am a libertarian, and therefore far enough “outside the mainstream” that my opinion can be dismissed.

There are excellent observations and reasons for a presumption in favor of equal liberty for all – which led me to “therefore I am libertarian.” It is true that the libertarian political philosophy I have grown to believe greatly influences my policy analyses. However, it is not merely an opinion, no different in credibility than any other opinion held for any reason (e.g., my opinion that succotash is a waste of good corn, as I love corn and hate lima beans).

Further, focusing on “I am libertarian, therefore” claims misses the most important issues, particularly when talking to non-libertarians. Those are the observations and reasons that have convinced me of many excellent reasons for a presumption in favor of equal liberty for all – the issues that led me to “therefore I am libertarian.”

A version of this scenario played out in my office not so long ago when one student objected to my critique of one of the vast panoply of statist intrusions into Americans’ liberty. Because of the other students there, I felt more than the usual desire to respond. But I was aware that the objecting student knew very little of the issues involved, much less what a complete defense of liberty would entail, and the next class I had to get to left me little time.

Given the constraints, what I did was focus on what *only liberty* (a play on J.S. Mill’s *On Liberty* that I was proud of, even though it went unnoticed) offers individuals and the society they comprise. Very briefly, what I recall of the conversation included the following points (though I have no clear memory of precise wording or order, or of all that was said) about liberty, particularly economic liberty, followed up by an offer to discuss them in more detail later.

Only Liberty

Only liberty is consistent with “thou shall not kill” and “thou shall not steal.”

Only liberty is consistent with all individuals being “made in the image of God,” and therefore of transcending importance.

Only liberty accords everyone uniform respect for the same inalienable rights.

Only liberty prevents some from ruling over others, sacrificing those others to those in power.

Only liberty is consistent with peace between individuals and societies.

Only liberty allows moral and ethical development and improvement, increasing our integrity and generosity, because we cannot improve without freedom to make our own choices.

Only Economic Liberty

Only economic liberty – free markets – allows the use of productive knowledge that no person or group in power can make use of.

Only economic liberty enables the greatest degree of creativity and productive discovery, by allowing anyone to offer others new and improved options.

Only economic liberty guarantees arrangements that are mutually acceptable to those involved, rather than coercive impositions by those who are more powerful.

Only economic liberty induces the greatest incentives for people to do for others, even when they don’t know them or like them.

Only economic liberty allows adjustments to change without coercion or nasty political battles for control.

Only economic liberty has created the maximum potential for economic growth, as history attests.

Short of time, I grabbed a copy of my *Apostle of Peace* (2013) off a shelf, and flipped to Chapter 3, “Freedom and the Fate of Nations,” from which I quoted Leonard Read, founder and longtime leading light of the Foundation for Economic Education:

For it is only in an essentially free society that certain trends have the possibility of prevailing: self-responsibility, improved morals, a

passionate striving for intellectual excellence, a will to overcome obstacles, an energetic enthusiasm turned toward self-improvement, and abounding entrepreneurial spirit, competition, and free pricing.

As I was then shoos students out of my office and grabbing the materials to head to my next class, I said, "When liberty offers each of us so many benefits that cannot otherwise be had, it deserves a strong conviction in its favor and justifies an extraordinarily high burden of proof before even considering any restriction of it."

I have since gotten positive responses from others in my office at the time, but I have not heard anything from my dissenting student since this conversation. I am still hopeful, but I have a nagging feeling that I could have done better. So I am also hopeful this can trigger a discussion from which I, and others, can learn to better present the case for liberty to the yet-to-be-converted.

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