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I would appreciate, and will warmly acknowledge in revision, any comments, amiable or not, sent to deirdre2@uic.edu. Feel free to circulate the draft: Imperfect though it is, it is not confidential.

Equality of Permission

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Liberalism was first articulated two-and-a-half centuries ago, particularly in the Anglophere, and most particularly in Scotland and Massachusetts. When applied generally — though always incompletely and always contested by the tyrants — the true liberalism of people like Adam Smith and Abigail Adams had most gratifying results. The motto of the American Academy of Arts and Sciences, founded in 1780 by dawn-time liberals, declares *Sub libertate florent*, "Under liberty they flourish." They eventually did flourish, but not because of the profits of slavery, imperialism, statist economics, the nation state, or the course of the class struggle — and noy even because of Enlightenment and science, which as often armed Big Brother in public as they gave scope to his subjects in private.

The crucial turn was a new and fundamental personal liberty to venture. Steadily widening permission in liberalism to try out new ideas or new places or new work or new relationships caused innovation to explode. People anciently stultified and impoverished were stunningly enriched in body and soul. World real income per person rose by a gob-smacking

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2,500 or 3,000 percent, a superabundance by now reasonably expected to continue doubling every long generation.² The Great Enrichment decisively falsified Malthusian and other pessimisms. And also under the new liberal ethic the ancient routine of the powerful coercing the powerless has more and more been acknowledged to be evil, even by the powerful – often of course wholly insincerely. “The arc of the moral universe is long, but it bends towards justice.” Or at least it has during our Liberal Era – a liberalism now again under siege.

What is this “liberalism”?

Think of a liberal constitution as the rules for a footrace, a nice or nasty one. Liberals by any definition have agreed since the 18th century that rules such as “Kings always win” or “Women always lose” are to be replaced in life’s footrace by rules of justice as fairness for all. Equality is the watchword, though not the ancient equality of oppression under our betters – betters exempted from the equality. We liberals do not approve of the delight among our conservative friends for unearned hierarchies, or strong men gloriously in charge, whether oppressive or paternalistic or merely romantically dazzling.

The modern political left since Rousseau, sometimes calling itself liberal, has promised for life’s footrace a rule of equality of *outcome*. We are to cross the finish line together, arms locked. All of the children get medals. It’s a lovely vision, meet and proper to a family or a group of loving friends. During the Romantic Era, which not by accident has been coterminous with liberalism, its loveliness has appealed strongly to most teenagers, emerging from a loving little family into a little group of loving friends. But attempts to apply such an equality of outcome to larger groups has regularly failed, economically and then politically, at length even in little intentional communities motivated by an egalitarian ideology. St. Paul heard that some

² McCloskey 2010, 2016; Tupy and Pooley 2022.

Thessalonian Christians were refusing to work, in anticipation of an imminent Second Coming. Why work if the Messiah will divide the sheep from the goats tomorrow, or maybe next week? Why work if a very generous basic income is paid to you, extracted from other people's work-product? Why cook if Mom will anyway? Common sense counsels taking a free ride, and a free lunch. To this St. Paul thundered, Margaret-Thatcher style, "He who does not work should not eat." Lenin in 1917 also adopted 1 Thessalonians 3:10 as his motto, "if we are not to indulge in utopianism."³ Communists were no softer than Thatcher or St. Paul, on the sound prediction that a big society of free riders eventually runs out of other people's work-product to redistribute. Sadly, an equality of outcome, the brain surgeon paid the same as the street sweeper – which a liberal or Abrahamic equality of souls surely recommends – leads in large groups, through gross misallocation and the collapse of spurs to innovation, to a dismal equality of poverty, and then to tyranny. Attempts at it fail, even when the attempts are kind and sincere. They fail more spectacularly, as in the Democratic People's Republic of Korea, when hateful and insincere.

By contrast, the middle of the conventional political spectrum, recognizing in life's footrace the impracticality and consequent evil for large groups of a Rousseauian enforced equality of *outcome*, has promised instead since John Stuart Mill an equality of *opportunity*. Let us all begin the race together at the same starting line. Then it's race on, yet prudence and justice are served. Splendid. No Cinderella is held back while her sisters race for the hand of the prince. Again, such an equality should and often does work well for small groups, such as families, or friends in the Cheers bar at 75 Chestnut Street in Boston, or the elite runners in the

³ Lenin 1917, Section 4.

Boston Marathon lined up together at the start. By fair rule or loving custom, let us begin the race equally.

Yet liberalism of any sort claims also to be ethically cosmopolitan. A child born in South Sudan is of course in liberal and Abrahamic ethics to be valued equally with a child born in France. Nationalism violates cosmopolitan and Christian and liberal ethics. But no compensation short of immediate emigration to Paris can put the South Sudanese child anywhere near the same starting line as the French child. A child in Chicago like Michelle Obama, born to wise and careful though not rich parents, lines up in the marathon of life miles ahead of a child in New York like Donald Trump, born to foolish and careless though rich parents. Under the sweet, Millian, mid-spectrum proposal of equality of opportunity, some sadly disadvantaged child with inferior luck, health, strength, beauty, nationality, inheritance, intelligence is somehow to be compensated, to be brought up to a full or at least approximate equality at the starting line with a golden child. Perhaps nails are to be driven into the brains of the intelligent children, or the beautiful children are to be defaced, or good parents are to be denied, in order to achieve equality of opportunity. Or sums of money in compensation are to be provided, by coercing other people—sums that can be rigorously proven to exceed world income. Except on a small scale within a family or a small group, again, and to the disadvantage of the disfavored outsiders, it can't be done, even approximately, in view of the enormous differences in gifts and works and locations. We indulge a foolish utopianism to believe it can. As St. Paul noted in 1 Corinthians 12: 4-6, "There are different kinds of gifts. . . . There are different kinds of working, but in all of them and in everyone it is the same God at work." Achieving even approximate equality of opportunity, that is, requires either impossible money sums to bring people up to equality in compensation for their inequalities of other gifts

or else a Procrustean trimming of feet and head to bring them down to equality with gifted, taking boys away from parents at age 7 to be educated uniformly for battle like the Spartiate. Face up to it.

An impossible but coercively attempted equality of human heights or intelligence, like the a coerced equality of material outcome, further, would radically reduce our gains from our different kinds of gifts. In a short story “Harrison Bergeron” in 1961 Kurt Vonnegut Jr. imagined a future of perfect equality of opportunity.⁴ Fast runners are weighted down like racehorses. Intelligence is handicapped. Stutterers such as John Rawls and I are assigned jobs as radio announcers, needing three minutes of painful stuttering to read the three sentences of the weather forecast. No, of course not.

And needless to say, even little families and little groups of friends said to have a lovely equality of pizza, inspiring the warm-hearted, bourgeois teenager to imagine a mid-spectrum equality of opportunity, or even a leftish equality of outcome, are often not truly egalitarian at either the starting line or the finish. The *paterfamilias*, or the natural leader, is tempted, as recorded in numberless histories, to take selfish advantage of his superiority, as King David did to acquire Bathsheba. Royal Agamemnon took Briseis from his subordinate, the noble Achilles, breaker of horses, with known results.

Yes, we might tax you and me to pay for elementary education for the poor, on Mill’s argument that an illiterate citizenry spills over to endanger us all. A cynic might observe that a literate citizenry has proven pretty much as dangerous as an illiterate one, sometimes more so. Witness the most literate nation in Europe 1933-1945. People are dangerous when inspired to mess with other people unethically. True, the redistributions such as public expenditure on

⁴ Vonnegut 1961.

education, even if clumsily tried, make the non-cynical feel satisfied that they've done their liberal, egalitarian duty. Unhappily, no, they haven't. For one thing, education, though of course necessary for the admirable sort of flourishing that Mill wished for us all, can't come close to achieving equality at the starting line, not in the actual world of varied gifts and differing families and South Sudans. And the cynic adds from the sideline that state education run by large bureaucracies, trade unions, and schools of education will not achieve even the cultural flourishing for which Mill so nobly wished, never mind achieving even a rough equality of dollar incomes for people with different kinds of gifts and working.

To try nonetheless to compensate by state action for all inequalities of opportunity, or even for some of the major ones of birth, is a Romantic and utopian plan with no chance of even approximate fulfilment – though any liberal would of course be delighted if the equal starting line or for that matter the equal finish line would miraculously occur. True liberals, I repeat, are above all egalitarians. That is what makes them different from conservatives. But what makes them different from progressives is that they are also realists. The progressive utopians say, "I'm from the government, and I'm here to make you utterly equal and truly happy." It has never worked, and the thorough attempts to make it work turn hideously illiberal.

And for another, Mill's argument, like all the proliferating, statist arguments based since the 1920s on the economist's notion of spillovers, or "externalities," has no logical stopping point short of an all-encompassing state. In any society, after all, we bump into each other, we irritate each other, we contradict each other, we out-perform each other, all day long. Prices registering the opportunity cost of some of the bumping, called by the economists "pecuniary externalities," prevent a war of all against all, at least for priced goods, and if supported by a widespread ideology accepting the outcome. But life in society consists mostly of non-

pecuniary externalities, good and bad, large and small. “Let us have education for all because of spillovers.” But wait. As my beloved colleague at Cato, David Boas, puts it, one would wish likewise that everyone, say, applied underarm deodorant. Not doing so creates an obvious spillover. But the spilling doesn’t automatically, and maybe not even in the elementary case of elementary schooling, justify state coercion of taxpayers or the children’s families – who mostly love their children, know intimately their gifts and handicaps, and wish them to be educated, and advise them to apply deodorant, too. Externalities after all are not simply technological, but defined socially all the way down. That conservative Jews and Muslims object to women wearing tops that do not cover arms, because it arouses sexual lust in men, is surely a spillover. It “exists.” But does it justify clothing police?

A quasi-liberal equality of opportunity at the starting line, and of dealing with what the society now deems the grosser externalities, sounds very far from a dreadful, ant-hill equality of outcome and the removal of every single externality, to achieve utterly uniform, equal lives. Yet if eliminating inequality and externality are seriously attempted, they yield in logic and fact a human ant hill. A great student of ant hills, E. O. Wilson, when asked about the top-down idea for organizing humans to achieve equality and harmony under socialism, replied that, “Karl Marx was right, socialism works. It is just that he had the wrong species.”⁵

If miraculously we were all precisely, ant-hill identical – Al Capp’s little shmoos will serve for very elderly readers, wholly blank slates for the rest – then with an identical starting line we would of course in logic all cross the finish line of the Boston marathon at exactly the same time of 2 hours, 19 minutes, and 59 seconds. Mathematically correct, sir. But political theories should deal with the blessedly or cursedly varied world as it actually is, or a version of

the world that could actually occur under the actually observed boundary conditions.⁶ Political theory should not deal, as most of it does, with a wholly imaginary world in which redistribution and regulation and state education and clothing police are implemented by virtuous philosopher kings magically perfectly, with no untoward side effects. On his matter our beloved Mill, like Homer, nods. His supposition that production is one thing, a thing of labor input, and that distribution is another, an independent thing of justice, came to dominate modern political philosophy and its doppelganger during the 1930s of “welfare economics.”⁷ The economist’s pretentiously labeled Second Theorem of Welfare Economics, which formalizes Mill’s supposition, liberated econowannabe philosophers to speculate on imagined worlds never to be.

And the only “we” that can undertake the hopeless projects of correcting all or even most of the big inequalities of outcome or of opportunity, or offsetting all or even most of the big externalities, both of them in an unlimited and socially chosen number, is an omnipotent and coercive state. Every non-true-liberal liberal political philosophy slides down towards the statism of Plato’s *Republic* or Hobbes *Leviathan* or Marx’s dictatorship of the proletariat. “Inequality” and “externalities” have become all-purpose rallying cries among quasi-liberals, raised recently for example by the economist Joseph Stiglitz, for imposing more state coercions.⁸ Joe calls his proposed coercions “mild,” but he offers no evidence that they are, and if they happen to be mild he offers no ideas about how to keep them so. The coercions are mostly

⁶ Schnidtz 2011.

⁷ Valier 2010. Valier is part of the Arizona School, including Gerald Gaus, David Schnidtz, and Jason Brennan which makes this point in favor of realism in political philosophy.

⁸ Stiglitz 2024.

utopian, incoherent, unlimited, unjust, unwise, and unmild. Look at the polices and corresponding coercions built into the U.S. Federal tax code.

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A true and sober yet egalitarian liberalism, then, should promise in the footrace of life neither an equality of outcome nor an equality of opportunity, nor the righting of every externality that someone claims is large and easily offset by state action. The statist economist or philosopher or politician should not promise to fulfil a plan on which he cannot possibly deliver. It's irresponsible, and when it fails, as it must, it has proven repeatedly to be politically evil, generating and exploiting envy and anger in the style of Juan Perón and Donald Trump.

What, then, should be the true-liberal rule in the footrace of life?

It should be simply an equality of *permission*, or allowance, or approval of a general right to do, to enter in the race as an adult, what Adam Smith proposed in 1776 as “the obvious and simple system of natural liberty.”⁹ Wherever you start in the race, or wherever the betting might predict you will end it, under a liberal equality of permission you may, as the sporting British put it, “have a go.” “Fair goes” say the even more sporting Austrians. The Poms get to bat, then we do. May the best team win. Even in a literal game no state intervenes to make the teams equally skilled, or to eliminate every externality of body-line bowling. In economic games in a liberal economy you are permitted – not subsidized by extractions from others – to open in 1881 a better department store in Chicago, to give the lady what she wants, with money-back guarantees, if you can imagine it, as working-class Marshall Field did. That's what “competition” means. Competition is not, as imagined by many non-economists, a terrifying

⁹ Smith 1776, Bk. iv.ix.51.

struggle red in tooth and claw, or even the zero-sum of a cricket match, but the positive sum of the permission to enter the race and offer what you imagine is a better good or better service to customers. As the German philosopher of money, Georg Simmel, put it in 1900, economic competition is not a coercion but a seduction.¹⁰

A liberal equality of permission, allowing people to proceed without let and hindrance, therefore opposes coerced hierarchies of gender or status or race or office, a top-down governing of the childlike women or slaves or, as Mill performed in his day job, the Subcontinent's population under British rule. If the liberty of permission is raised to a leading ethical principle, it makes for dignified people, though starting ever so poor. Dignity is what people want above all.¹¹ Riches are nice, but the man of independent mind sets aside envy and anger, and in self-respect gets on with the footrace of life. Robert Burns, who had done so, composed in 1795 the liberal anthem,

What though on hamely fare we dine,

Wear hoddin grey, an' a that;

Gie fools their silks, and knaves their wine;

A Man's a Man for a' that:

For a' that, and a' that,

Their tinsel show, an' a' that;

The man o' independent mind,

He looks an' laughs at a' that.

¹⁰ Simmel 1900, first chapter.

¹¹ Palmer and Warner 2022.

In the *Oxford English Dictionary on Historical Principles*, the earliest quotation for the phrase “at liberty” is 1503: “That every freeman be at liberty to buy and sell with every other,” which is the point here – that liberalism is most deeply and most plausibly the *permission, allowance* to participate “at liberty” in the economy, as eventually also in the church and then in the polity – equally, if a “freeman.” Yet quite a few people in 1503 were unfree, denied permissions, and only one out of two was a man. The shocking novelty in the 18th century and beyond was declaring that *every adult* was to be free, equally “at liberty.” And at last even the poor and the enslaved and the women and the handicapped and the immigrants and the population of the Sub-continent were to be. As Langston Hughes sang in 1936 about his own country, “O, let America be America again – / The land that never has been yet – / And yet must be – the land where *every* man is free.”¹²

You might personally under true-liberal rules for the footrace be sorely disadvantaged at the starting line, like working-class Benjamin Franklin, John Keats, Michael Faraday, Abraham Lincoln, Marshall Field, Andrew Carnegie, or for that matter middle-class yet African-American Langston Hughes. But if living in even a partially liberal society, you have at least partial equality of permission, and can have go at entering and perhaps winning the race, from whatever starting line God or nature or family or society gave you, to become a scientist-statesman, a Romantic poet, a pioneering chemist, a poet-president, an innovative merchant, an innovative steel maker, or a political poet. True, the Hebrew Bible’s book of Ecclesiastes wisely observes that “the race is not to the swift. . . . but time and chance happeneth to them all.” But in the true-liberal race, at least no hooks or chairs are to be put by human folly or malice in the way of fair goes for them all.

¹² His italics.

The hooks and chairs enthusiastically recommended by left and right and middle among political philosophers are placed in particular by our masters possessing the monopoly of coercion. Yet the hooks and chairs are artificial, merely of human design, sometimes designed maliciously, sometimes designed on the sweet supposition that our masters are wise and loving parents, skilled in designing regulations for us children. Such deliberate hooks and chairs imposed by our sovereign lords, if not the additional constraints of time and chance and the first law of thermodynamics, are therefore within our power to remove. Next Tuesday if we wish. As Smith said, under an equality of permission “the sovereign [in possession of the legitimate monopoly of coercion] is completely discharged from a duty, in the attempting to perform which he must always be exposed to innumerable delusions, and for the proper performance of which no human wisdom or knowledge could ever be sufficient; the duty of superintending the industry of private people, and of directing it towards the employments most suitable to the interest of the society.”¹³ In contrast to an imagined duty to superintend a thorough equality of outcome or of opportunity or to offset every claimed externality, a true liberal equality of permission can be attained worldwide, if we wish, Tuesday next. Take away the hooks and chairs, and burn them. Burn redlining maps of neighborhoods. Burn laws against homosexuality. Burn the War on Drugs. Burn draft cards. Burn 99 percent of the Federal Code. Burn the tacit agreement between the Vatican Bank and the Mafia, at least if a restrained state can prosecute it. Burn egregiously cruel parenting, at least if a restrained state can prosecute it. Burn, Baby, burn.

A straightforward instance of the state’s hooks and chairs, among millions and counting, is the law that prohibits U.S. residents from buying prescription drugs outside the U.S. The

¹³ Again, Smith 1776, Bk. iv.ix.51.

drug companies in the U.S., by employing some 1,500 lobbyists in Washington, leave U.S. patients with upwards of ten times higher prices for drugs than Canadians or Mexicans. Congress and the President could burn this particular hook and chair tomorrow afternoon if they wished, letting the rest of the world also serve, as Americans do now, as guinea pigs for developing new drugs, or, more likely, paying for marketing ploys such as all-expenses-paid vacations in Hawaii for prescribing doctors and their families. Congress and the President don't wish to do it, and boast instead about allowing Medicare to bargain with the drug companies, and about imposing price controls on insulin.

Even if the many millions of hooks and chairs were altogether wise of plan and pure of intention, as the drug laws decidedly are not, the few theoretically desirable hooks and chairs are regularly placed incompetently. The seat belt for autos was patented by Volvo in 1959 but then thrown open by the company to other manufacturers. It came to be buckled up mainly out of adult prudence, not out of state coercion. The lawyer Ralph Nader implacably opposed seat belts, on the grounds that people were imprudent and would not buckle up. He insisted instead on state coercion to install in every car expensive and unreliable air bags, which he got. Most lawyers, in contrast to most of the (non-behaviorist) economists, believe that people are hopelessly imprudent. Childish. Therefore the Ralph Naders of the world and the behavioral economists of the world propose yet another hook and chair to coerce the foolish dears. In the event, cheap seat belts save many more lives than expensive and unreliable air bags do. Nader did not know what he was talking about, as many behavioral economists also do not, a common result of trying to lay down a future by state planning in a world in which time and chance and the first law of thermodynamics happeneth to all, not to speak of machinations by cynically self-interested drug and car companies, or in which existing laws make first-best

policies inefficient compared with hard-to discern second- or tenth-best, and in which above all, Smith wrote, “in the great chess-board of human society, every single piece has a principle of motion of its own, altogether different from that which the legislature might choose to impress upon it.”¹⁴

Of course the state’s regulations are claimed, if often disingenuously, to protect us all. In fact they regularly render us victims. Most occupational safety laws, for instance, are happily accepted by big companies, in order to drive small companies out of the market. Big companies have big legal departments. Tariffs on imports prevent us from buying where we want, and keep people in the wrong jobs. Agricultural subsidies and protections raise the price of food and fiber, denying income to Africans and Central Americans. Most claims of eminent domain are unwise or corrupt. Most wars are very unwise or very corrupt. The *New York Times* recently used a study by the Mercatus Institute and its own research, using machine reading of all the millions of regulations. It discovered that to run an apple orchard in New Hampshire you are subject to 12,000 hooks and chairs, 5,000 of them particularly “relevant to orchards.”¹⁵ The pile of printed rules of the Occupational Health and Safety Administration about ladders alone would reach the middle branches of most apple trees. Robert Frost spins in his grave.

Yet next Tuesday’s attainable equality of permission nonetheless tastes to moderns like weak tea beside the exciting if wholly unattainable spiciness of equality of outcome or of opportunity or of comprehensively offset externalities. The excitement is another unhappy consequence of our Romantic Era, mixed with a highly unromantic utilitarianism, inspiring together a revolutionary fervor for state planning in young radicals and at least a quiet self-

¹⁴ Smith 1759, Section II, Chap. ii.

¹⁵ Eder 2017.

satisfaction for egalitarian duty fulfilled in old moderates, and a persistent itch to add coercions by economists and calculators, young and old. The *Orchestre Révolutionnaire et Romantique* in London embodies the correlation of a closely conducted Enlightenment with an exciting Romanticism. The equality of permission composed by the Scottish Enlightenment of Hume or Smith feels merely classical, Mozartian. It's merely the boring old Flute and Harp Concerto in boring old C Major, K 299. Let's have instead that Romantic crash-bang with soaring programmatic themes turning the world upside down. *Das Liebesverbot*. Wow. Appropriately conducted by Benthamite social engineers, it can make the world anew. Double wow.

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In 1989 the political theorist Judith Shklar gave the usual definition of a minimal, boring, classical, unromantic, adult, unexciting, weak-tea liberalism: "Liberalism has only one overriding aim. . . . Every adult should be able to make as many effective decisions without fear or favor about as many aspects of her or his life as is compatible with the like freedom of every other adult."¹⁶ Or as Smith put it in an economic context, "Every man, as long as he does not violate the laws of justice, is left perfectly free to pursue his own interest his own way, and to bring both his industry and capital into competition with those of any other man, or order of men."¹⁷ It is the equality of permission. In equality of permission with all others (including our sovereigns in the state, who are to be made equal with us in their permissions, the Danish king peddling to work on a bicycle), you are permitted to decide to buy from whom you wish, sell to whom you wish, say what you wish, write what you wish, move where you wish, love whom you wish, endow what you wish, worship as you wish – all within the egalitarian constraint of

¹⁶ Shklar 1989, p. 21.

¹⁷ Yet again Smith 1776 Book. Iv.ix.51.

the deals that others, similarly permitted, are willing to offer. Excepting modest taxation and restrained policing for protection against the few sorts of private coercion that the state can justly and efficaciously prevent, or the tiny number of externalities that the state can justly and efficaciously offset, we are to have no physically coercive masters, be they husbands or priests or sovereigns or bureaucrats.¹⁸

The claim is sometimes heard from non-quantitatively inclined quasi-liberals that we liberals should approve quite a lot of the present projects of the modern state, or at any rate the less obviously violent ones. Airline regulation. The Food and Drug Administration. As the Blessed Adam Smith himself put it in the same core passage of 1776 I have been quoting, the sovereign *does* have “a duty of erecting and maintaining certain public works and certain public institutions, which it can never be for the interest of any individual, or small number of individuals, to erect and maintain; because the profit could never repay the expense to any individual or small number of individuals, though it may frequently do much more than repay it to a great society.”¹⁹ Big non-pecuniary externalities. Yes, some few safety regulations enforced with the state’s cudgels make it easier to go about our business with confidence—though our quasi-liberal friends typically forget or deny that private certification of airlines or drugs can achieve the same results as hauling out the cudgel of the state. There’s a balance to be struck between protecting people by state law on the one hand and on the other letting people self-protect by an adult prudence supplemented by unfettered entry of people into protective devices and institutions.²⁰ Buckle up in your Volvo. But we must be hard-minded and

¹⁸ My old friend Arthur Shirliff has challenged me to justify the usual liberal formula of “force *and* fraud.” Do we want truth-police, or does a rhetorical sophisticated populace suffice?

¹⁹ And once more Smith 1776 Book. Iv.ix.51

²⁰ Again, Jack Goldstone urges this.

quantitative to get the balance even approximately right. An airy rhetoric of exists/not, on/off, yes/no as in the writings of the economists Joseph Stiglitz and Richard Thaler and most of the other economists and their philosophical followers about the “existence” of inequalities and externalities and the “existence” of a wise state capable of dealing with them will not suffice, scientifically or ethically.

When a true liberal makes some modest, quantitative, scientifically justified, Cato-Institute suggestion for, say, deregulation, the retort by the statist is to accuse her of being a crazy anarchist, probably bomb-throwing. “What, don’t you want *any* state?!” The retort is disgraceful, and serious people should not use it. Tell me about your counterevidence. Argue seriously. We true liberals want a state, but want its policies to be tested by serious calculations of cost and benefit, and then by actual outcomes. The relevant questions are not answered by *qualitative* theorems of existence, but *quantitative* calculations – how much, how many, with what fruit, and whether the state can in quantitative fact do better. Cato-Institute stuff.

Smith in the passage I just quoted was referring to little Scottish schools in the village financed by taxes on local property and the Royal Navy financed by taxes on beer, together with other public works and public institutions whose cost amounted in sum in 1776 to, say, 5 percent of GDP. University education in Scotland was paid directly by the students, and directly to the professors such as Smith, a pecuniary externality, which is why Scottish universities were so much better than the anciently endowed colleges of Oxbridge, at which Smith spent six miserable years. Yet by now the modern state commonly takes for its lovely programs not 5 percent but 50 percent of GDP, subsidizes the children of rich lawyers and businesspeople in their university education, and intervenes in apple orchards with 5,000 regulations. Smith, too, spins in his grave.

The American sociologist Howard S. Becker (b. 1928) speaks of a “world.” He is implicitly contrasting the people in his “world” with the “rational men,” the jerks playing a non-cooperative game, posited by the American economist Gary Becker (1930-2014, no relation). In the following passage Howard Becker is more explicitly contrasting his “world” with the “fields” inhabited by proudly, snobbishly, fully Enlightened Frenchmen, also jerks, using hierarchical ploys to demean and exclude other people, as imagined by the French sociologist Pierre Bourdieu. Becker writes:

The metaphor of “world” – which does not seem to be at all true of the metaphor of “field” – contains people, all sorts of people, who are in the middle of doing something which requires them to pay attention to each other, to take account consciously of the existence of others and to shape what they do in the light of what others do. In such a world, people ... develop their lines of activity gradually, seeing how others respond to what they do and adjusting what they do next in a way that meshes with what others have done and will probably do next.... The resulting collective activity is something that perhaps no one wanted, but is the best everyone could get out of this situation and therefore what they all, in effect, agreed to.²¹

It’s liberalism, the equality of permission. It’s not cruelty, or some allegedly modern “possessive individualism,” or a disdain for community, or “I am the master of my fate, / I am the captain of my soul.” No, you aren’t, dear. You are not an island, entire of itself. You are, as Smith showed in detail in his other book, *The Theory of Moral Sentiments*, a social creature. But as Adam Ferguson, also of Scotland, declared in 1767 – articulating the characteristic discovery of the Scottish Enlightenment enthusiastic for individual liberty, as against the reason-mad French Enlightenment enthusiastic for constructing the world anew – the Adam-Smithian and

²¹ Becker and Pessin 2005.

Howard-Beckerian spontaneous orders, good or bad, govern most of our lives. “Every step and every movement of the multitude,” Ferguson wrote, “even in what is termed enlightened ages, are made with equal blindness to the future; and nations stumble upon establishments [that is, institutions], which are indeed the result of human action, but not the execution of any human design.”²² Not top-down. Not French. Not the U.S. Congress. Not the World Bank. Not statist economists.

Musical improvisation is like that, as affirmed by the jazz and classical trumpeter Wynton Marsalis.²³ It’s not surprising to learn that Howie Becker himself was from age 14 in Chicago a part-time but paid jazz pianist, and that his first book was about jazz musicians. Improvisation, with its resulting spontaneous order in a Beckerian “world,” is the liberal outcome of the equality of permission praised by Hume and Smith and Ferguson and the other Scots during the 18th century, and detested by the statist in 18th-century France, and now in 21st-century Scotland. The masters in the old USSR detested jazz itself, as an instantiation of the bottom-up equality of permission they so very deeply detested. They loved instead top-down ballet, wonderful but not at all improvisational if the dancers are not to run into each other, and top-down orchestral music, wonderful but mere white noise if not conducted from the top. In *The Stones of Venice* (1851-1853) John Ruskin praised the bottom-up democracy of Gothic architecture as against the monotonous top-downism of the expert architectural masters of the Renaissance. Yet, inconsistently, Ruskin the Romantic detested true-liberal economics.

Democratic, bottom-up equality of permission began by accident from a succession in northwestern Europe of happy if precarious victories over illiberalism – partial victories for

²² Ferguson 1967, Pt. 67.

²³ Marsalis and Ward 2008.

example in the Radical Reformation and in the divine wind scattering the Spanish Armada. Further east and further south in the Eurasian lands at the time, by bad luck despite some flickering possibilities at commercial Osaka and Novgorod and Venice, such victories were rare. Tyranny is hard to break, as the Russians and Chinese have long known, and as the subjects of Tudor and Stuart monarchs in Britain came to know. At length, by more good luck late in the 17th century, the exhausted reaction to the Wars of Religion tipped the balance towards liberalism, at least in Holland and the Anglosphere. Late in the 18th century a true liberalism was supplied with a political theory, in Edinburgh and Philadelphia and sometimes even in Paris. It proposed "Let's just get along," letting all sorts of people pursue each their lines of activity. When in back in 1681 Louis XIV's Comptroller-General Jean-Baptiste Colbert had kindly offered to help the businesspeople of Paris, the story goes, they replied, doubtless alarmed by the proposed extension of state coercion, "*Laissez-nous faire*," Let us do [it]. 'Thanks awfully for the wonderful offer, *le Monsieur l'État*," they might have put it. "But without your intentional, top-down, ant-hill designs we'll carry on with our spontaneous cooperation and competition, as in the evolution of fashions in styles of furniture." In the version told by the early true-liberal economist Pierre de Boisguilbert, "an important merchant" assured Colbert that "everything would go perfectly well because the desire to earn is so natural."²⁴ Yes, and on the consumer's side the desire to get a good price on a Baroque sideboard is natural, too. The Parisian furniture maker meets the consumer, and they strike a deal from which both gain. The multifarious results are the best the bulk of the people could get out of this situation and therefore what they all, in effect, agreed to. They do not agree, note, to a Hobbesian or Rousseauian or Buchananesque or Rawlsian *contract social* designed by a masterful

²⁴ Quoted in Faccarello 2014, p. 79.

choreographer. They would not agree, for example, to a singular, uniform, ant-hill, and centrally planned line of activity, except in a war of survival, or in the Romantic and utilitarian excitements of nationalism or socialism or national socialism.

Getting along with each other, I have admitted, is unexciting, minimal, bourgeois, Swiss, even a little sappy. But ever since the hierarchy of arable agriculture first imposed upon us all a physically coercing master, and then ever since the Liberty Movement of the past two and a half centuries initiated a stop to many of the old physical coercions by the masters, the boring old liberalism has served well. In liberal countries the authorized beating of sailors, servants in husbandry, apprentices, wives, children, and the enslaved ceased, eventually. The equality of permission of true liberalism has been our first, last, and best chance to get the boots off our faces.

Yet the almost immediately the more exciting theories of equality of outcome or of opportunity, and later the economist's appeal to externalities to justify still more interventions, overturned the modest and briefly British program of true liberalism. A New, or Social, Liberalism took hold in Britain during the 1880s, and at the same time Bismarck devised an illiberal welfare state, and in the next decades American Progressives carried out their racism and eugenics and xenophobia. By now the quasi-liberalism of a coercive social democracy and the rule of economists has arrived at 50% of GDP. The program of all the New Liberalisms is to use the coercive power of the state to set right the horrible inequalities of outcome and opportunity and the horrible externalities – social problems suddenly perceived by the bourgeoisie and its teachers and preachers, ethically serious folk, at first mostly Protestant. The social problems were newly exposed in surveys and photographs about how the other half lived, supplementing ancient and then Romantic cliches about the evils of city life. By now they

are everywhere a journalistic template. Let's *do* something about The Latest Problem. Never mind that most of the problems are in fact hardy myths, such as the impoverishment and alienation of workers by "capitalism," the evil of slum neighborhoods, the decline of the middle class, the rising inequality, the spreading cultural vulgarity, and the prevalence of bowling alone – to be solved by an equally mythological wisdom, competence, and honesty of the modern state.

The 19th-century coinage "social problem" would have seemed absurd before liberalism. Everyone should have a coercive master, it was supposed, or else the gates of Hell open. What's the problem? Or: take up your cross, and shut up, for you have infinite bliss to come. With liberalism, whose first triumph was solving the newly perceived social problem of slavery, the phrase "social problem" exploded. The New Liberals, the Protestant social gospelers, the Catholic social teachers, and the revolutionary socialists agreed on the matter. Romantic hostility to a spooky "capitalism," and enthusiasm for an imagined social justice or general will, implemented by a utilitarian state, became in the early 20th century commonplace among the clerks. Not markets. Not that "capitalism," "By the late 19th century," observed the historian of the bourgeoisie, Jürgen Kocka, "capitalism was no longer thought to be a carrier of progress."²⁵ From the 1920s on, even the formerly true-liberal economists increasingly asserted – I repeat, with no quantitative or other scientific evidence for the assertion, down to the present – that a market economy of equality of permission is chock full of terrible, nationally significant imperfections. Class warfare. Unemployment. Monopoly. Externalities. Inequality. Informational asymmetries. Ignorant consumers. By now we turn to the state when it rains.

²⁵ Personal communication, November 2014.

An excess of statism is defended as a “middle path” by our beloved quasi-liberal and compassionate-conservative friends. Let the state, which is very good at such tasks, especially when advised by economists such as John Maynard Keynes or Paul Samuelson or Joseph Stiglitz, fix the imperfections. All will be well on the middle path to the Land of Cockaigne. If it’s not yet achieved, and if we think we see more unquantified but surely highly dangerous imperfections, we need merely add more hooks and chairs, and stir.

A true liberal agrees with his statist friends that of course we need protection against bad or careless people who would spoil our safety or our equalities of permission. Some few of the uncountable infinity of externalities are well worth some state action, such as plain theft. Alonzo Capone was a thieving monster, admittedly a monster created by the state’s new project of Prohibition against the externality of male drunkenness. True, many protections from the private monsters exercising force and spilling externalities on us, I note again, are self-supplied by adults independent of state action, by locking their doors at night and by moving away from smokestacks and by not believing everything they hear in late-night TV ads. But we do need also a little state, one with a legitimate monopoly of coercion, to help stop the bad guys stealing or polluting, or at any rate the few bad guys against whom an adult prudence or a restrained law of tort cannot protect us. Mafiosi with their guns. Russians with their atomic bombs. Railroads dumping sparks onto wheat fields. In an essay on Kipling in 1942, Orwell argued that Kipling “sees clearly that men can only be highly civilized while other men, inevitably less civilized, are there to guard and feed them.”²⁶ Agreed.

²⁶ Orwell 1942. The better known formulation of the idea (“rough men willing to visit violence”), not Orwell’s, was created in 1983 by commentator on Orwell.

But *Quis custodiet ipsos custodes?* Who watches the middle-path guardians? (About feeding and the economy generally, by the way, Orwell was less perceptive, even when he drifted during the 1940s in a true-liberal direction.²⁷) Most states always and worldwide, as any moderately informed observer knows, are clumsy at best, and more commonly are protection rackets, or jobs for the cousins and cadres, or simply one-man tyrannies. Orwell's last two novels showed, and Judith Shklar showed in her writings about what she called appropriately "a liberalism of fear," that the chief modern fear should be fear of the very state, *ipsos custodes*, a state immensely expanded since 1914 in its expenditure and authority and capacity for coercion.²⁸ The coercive overreach by most states in reaction to covid 19, closing the schools, and bankrupting the downtowns, has shown recently how far down an *Eighteen-Ninety-Four* path even the nice countries have traveled, never mind China or Russia. To be sure, an invasion by the Black Death or by the terrifying Canadians itching to take over Maine is justly to be repelled by U.S. state action. Damned right. But as H. L. Mencken put it a century ago, our masters, whether democratic or not, Biden or Trump, know that "the whole aim of practical politics is to keep the populace alarmed (and hence clamorous to be led to safety) by an endless series of hobgoblins, most of them imaginary."²⁹ "Fear not us," the masters say. / "Fear that man across the way."

The impulse of a modern statism, often claiming the noble title of liberal, is to repeal this or that equality of permission. The economic historian Jonathan R. T. Hughes chronicled in 1977 the contending impulses of Americans, to a liberal "Don't tread on me" but at the same time

²⁷ Essay on Orwell in McCloskey and Mingardi forthcoming.

²⁸ Higgs 1987, 2012.

²⁹ Mencken 1918, 1920. Chp. 13, "Women and the Emotions."

to a statist “Don’t do *that*.”³⁰ The true-liberal formula in the U.S. has been instead, as my grandmother born in the 1890s used to say, “Do anything you want, but don’t scare the horses.” Such a modern equality of permission has been sharply challenged by statist enthusiasms, whether Romantic or Scientific or merely cynically tyrannical, at present worldwide. In the 19th century the three chief Romantic enthusiasms in politics were in succession nationalism, socialism, and trade unions. Admittedly, nationalism, socialism, and unionism have by far the best songs. *Deutschland über Alles*. Arise, ye prisoners of starvation. There once was a union maid. True liberalism has only Burns’ “A Man’s a Man, for a’ That.” It’s hard to think of others. Well, surely Whitman’s “Song of Myself,” which despite its title is nothing like scornful of community.

If you thrill instead to the illiberal songbook of top-down nationalism, socialism, and the workers’ party, perhaps you will thrill to *die Nationalsozialistische Deutsche Arbeiterpartei*. And certainly you will favor the moderate, communitarian version, a middle-path of routinized statism, regulating now farmers’ subsidies or children’s playtime and women’s reproduction, in aid of the French or American or Evangelical general will. True liberalism has mostly been on the defensive since the notion of equality of permission for all adults, taking responsibility for their own pursuit of happiness, was first articulated. As Shklar put it, “It is . . . difficult to find a vast flow of liberal ideology in the midst of the Catholic authoritarianism, romantic corporatist nostalgia, nationalism, racism, proslavery, social Darwinism, imperialism, militarism, fascism, and most types of socialism which dominated the battle of political ideas” in the 19th century.³¹ These were applied at scale in the 20th century by social engineers, with the approval of most

³⁰ Hughes 1977.

³¹ Shklar 1989, p, 22.

voters. And now in the early 21st they are to be re-applied. As the sweet kids say, “Let’s try socialism,” as though it hasn’t been tried. The sour adults say, “We need a strong Leader,” as though that hasn’t been tried. The lovely, middle-path quasi-liberals say, “Let’s try more statism,” as though that, too, has not been tried massively everywhere for the past century, from Italy to India.

§

Liberty is liberty is liberty. The liberties support each other. It is therefore ill-advised to chop liberty up and let one or another liberty slip away because queers or businesspeople or immigrants exercise it. In the United States since the 1930s the rejection of bedroom liberty by the Republicans and of boardroom liberty by the Democrats, with parallels in other democracies, has undermined the wholeness of equality of permission. In particular the clerks are contemptuous of equality of permission if exercised in the mere, vulgar practices of the economy. Trade, yuk. Mutual benefit, ugh. Yet ordinary people, regularly if not all the time, judge equality of permission in economic activities to be the most important part of liberty, the liberty to buy for nourishment or to move for work or to innovate for advancement. In the novel suppressed in the old USSR, *Forever Flowing* by Vasily Grossman—Grossman was a Jewish Ukrainian novelist and journalist, who during the 1950s became a courageously liberal ex-communist—one of the characters, a member of the Russian intelligentsia, confesses that “I used to think liberty was liberty of speech, liberty of the press, liberty of conscience. But liberty is the whole life of everyone. Here is what it amounts to: you have to have the right to sow what you wish to, to make shoes or coats, to bake into bread the flour ground from the grain you have sown, and to sell it or not sell it as you wish; for the lathe operator, the steelworker, and

the artist it's a matter of being able to live as you wish and work as you wish and not as they order you to."³²

That's how a tyranny such as the Chinese Communist Party survives, if it does, by making an arrangement with ordinary people that permits them an economic equality to venture, with a little Party corruption on the side, and therefore to achieve prosperity in the ordinary business of life, as a cobbler or lathe operator – in exchange for giving up to the Party all their other liberties. The clerisy of self-defined liberal intellectuals, as Grossman's character admits, imagines itself to care more than ordinary people about the liberty of press or speech or worship or even voting. Maybe it's true in regular time. But it seems often not to be so in the crisis, considering the last full measure of devotion given by ordinary people for what they appear to believe is a new birth of liberty at Gettysburg or Stalingrad, Tiananmen Square or Donbas.

Shklar distinguished her liberalism, of (rationally justified) fear of the state, from a liberalism of natural rights in Locke and a liberalism of personal development in Mill. Locke's rights-talk is unconstrained, eventuating in the hundreds of rights proposed in the failed Chilean constitution of September 2023. The 200th right, the right to have strawberry jam today and strawberry jam tomorrow, tries earnestly to implement the utopian equalities of opportunity and of outcome. The result outside of family and friends is an illiberal Hell. And Millian personal development, which is satisfactorily liberal in one's personal project of

³² Grossman 1961, p. 99. I have replaced the translator's choice of "freedom" for Slavic *Swoboda* (whose etymology is from "wild thing" and later simply meant a non-serf) with "liberty," for reasons I'll explain in the discussion of Sen and Nussbaum below.

Bildung, turns highly illiberal in the state's project of *Kultur*.³³ Shklar notes that "neither one of these from the patron saints of liberalism [viz., Locke and Mill] had a strongly developed historical memory, and it is on this faculty of the human mind that the liberalism of fear draws most heavily."³⁴

To the two patron saints may be added, in their lack of a strongly developed historical memory about the actual history, or in their lack of scientific common sense about the actual results to be expected, two more, an equality of outcome in historical-materialist Marx and an equality of opportunity in social-contractarian Rawls. All the four non-fearful liberalisms-without statism stride past the overwhelming historical and scientific evidence that power tends to corrupt and absolute power corrupts absolutely. They forget that "history is indeed," as Gibbon scribbled in that banner year for our liberties of 1776, "little more than the register of the crimes, follies, and misfortunes of mankind," chiefly, as the history or the science attests, arranged by a master holding an office enabling him to commit them. Shklar recommended instead "the assumption, amply justified by every page of political history, . . . that some agents of government will behave lawlessly and brutally in small or big ways most of the time unless they are prevented from doing so."³⁵ Consult the ACLU or the NAACP or the National Taxpayer's Union or the Cato Policy Report or *Reason* magazine. President Andrew Jackson, in line with less coercive proposals of earlier presidents, arranged during the 1830s for a brutal relocation of native Americans from the U.S. southeast to far Oklahoma, on the Trail of Tears. The Supreme Court said he couldn't, but he did it anyway. Of the historical state's fondness

³³ Gadamer 1965 (1989), Cjp. 1; Lepienes. 2008.

³⁴ Shklar 1989, p. 27.

³⁵ Shklar 1989, p. 28.

for war and torture and ethnic cleansing Shklar said, "The liberalism of fear is a response to these undeniable actualities, and it therefore concentrates on damage control."³⁶ "For this liberalism [of fear, or of equality of permission] the basic units of political life are not discursive and reflecting persons, nor friends and enemies, nor patriotic soldier-citizens, nor energetic litigants, but the weak and the powerful. And the freedom it wishes to secure is freedom from the abuse of power and intimidation of the defenseless that this difference invites."³⁷

I have praised by extensive quotation from her 1989 essay, you see, Judith "Dita" Shklar, as stunningly percipient, against the sweet but culpably naïve confidence of her quasi-liberal contemporaries that a bigger and stronger state is a swell idea. Her colleague Stanley Hoffman called Dita "the most devastatingly intelligent person I ever knew" at Harvard.

But Shklar, like Mill, occasionally nods, in relevant ways. She sometimes adopts uncharacteristically, if *en passant*, a little of the illiberal liberalism of her times. In the same glittering essay she defined cruelty as "the deliberate infliction of physical, *and secondarily emotional*, pain upon a weaker person or group by stronger ones in order to achieve some end, tangible or intangible, of the latter."³⁸ Uh oh. The "secondarily emotional pain" is the problem. It's hopelessly difficult to justify. I can claim to be emotionally pained by "verbal rape" if someone argues aggressively with me for an opinion I don't like. The turn devalues actual, physical rape. We had better, in a true-liberal society, confine aggression to the physical. Sticks and stones.

³⁶ Shklar 1989, p. 27.

³⁷ Shklar 1989, p. 24.

³⁸ Shklar 1989, p. 29, my italics..

And again, in line with dogma among the modern clerks, Shklar merged “the instruments of coercion [using] military might in its various manifestations” with an alleged “coercion” in economic deals among non-enslaved people – having an option of exit, not present when the masters reach for their guns. Like Orwell, Shklar never quite understood economics. She posited, along with her statist colleagues such as John Kenneth Galbraith, an “*economic power*, chiefly to hire, pay, fire, and determine prices.”³⁹ The physically coercive power to try to poison and then to succeed in imprisoning and then to boldly murder Alexei Navalny is said to be on a par with the “power” to offer him a paid job in a restaurant, or then to threaten to fire him, or to try to charge Navalny’s supporters a price for xerox machines above what other suppliers offer. True, since early Marx and late Mill, and since New Liberalism took hold, many economists, and many more non-economists, have believed in such a hobgoblin. But deals among non-slaves are not the physical coercions imposed by the masters.⁴⁰ “Wage slavery” is a category mistake.

Equality of permission in markets, to be sure, does not mean, as the man o’ independent mind understands, that we can achieve heaven on earth, the Land of Cockaigne, or that everyone can be equally rich or happy, or that any of the utopias of equality of outcome or of opportunity or of wholly offset externalities can be achieved. Equality of permission achieves merely, as the true-liberal political scientist John Mueller puts it concerning U.S. “capitalism” and democracy, “pretty good” results.⁴¹ More: a 30-times Great Enrichment per person, and reduced damage to human dignity.

³⁹ Shklar 1989, p. 31, my italics.

⁴⁰ Dan Klein got me straight on this point.

⁴¹ Mueller 1999.

Persuasion is not coercive, contrary to what some recent and misled quasi-liberal or frankly anti-liberal philosophers have taught. The political philosopher Steven Lukes, for example, in line with Philip Pettit, believes that persuasion is “domination.”⁴² Domination, Foucault also said, is therefore everywhere. Like water for a fish or air for a human, the domination, not being physical, is tricky to discern, except by us clever clerks. “To govern, in this sense,” Foucault declared, “is to structure the possible field of action of others.” True enough. But then: “The relationship proper to power would not therefore be sought on the side of violence or of struggle, nor on that of voluntary linking (all of which can, at best, only be the instruments of power), but rather in the area of the singular mode of action, neither warlike nor juridical, which is government.”⁴³ Government by persuasion is violence. Uh huh.

We are all economists now. Under economism we must for our own good, without our explicit permission as liberated adults, be “incentivized” or “nudged” or “planned.” The modern economists and their followers left and right love additional coercions or undignified tricks laid on by our masters, commissars, *Führers*, parents, husbands, administrators, and proud social engineers. Prominent in this line recently, for example, are the economist Daron Acemoglu and the political scientist James Robinson, in their many eloquent and scholarly yet relentlessly anti-liberal and state-loving publications. True liberals, like true Christians, love people, not states. In their 2019 book *The Narrow Corridor: States, Societies, and the Fate of Liberty*, for example, they urge a fuller empowerment of Leviathan, to increase what they call,

⁴² Lukes 2005.

⁴³ Foucault 1982, p. 221.

startlingly, “liberty.”⁴⁴ They view with equanimity that the modern Leviathan, in the words of the Declaration of 1776, has “erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.” The liberals of 1776 did not approve. Acemoglu and Robinson do. In this book and in a more recent book by Acemoglu and Simon Johnson, a bigger and stronger state serves a slavish conception of “liberty.” Acemoglu and his co-authors merge true liberty, defined since ancient times as a lack of physical coercion by a master, into a “freedom,” defined nowadays as an ability to acquire lots of goods and services. That is, they merge Isaiah Berlin’s negative liberty into his positive liberty. But we already have words for positive liberty – wealth, riches, income, capabilities, lots of goods and services. We need a separate political word for negative liberty, or else the merging justifies by mere definition a new Leviathan, overriding equality of permission and literally dominating our lives, in order to coerce us to be happy slaves or perpetual children. The true-liberal hypothesis, confirmed indeed by the history of the past two centuries, that liberty correctly defined leads to positive ‘liberty’ of riches, is made untestable.

The word “freedom” in English has in fact during the past century diverged from what both freedom and liberty once exclusively meant, namely, non-slavery to physically coercive masters. The recent merger of the old idea of non-masters and the New-Liberal idea of state-arranged non-poverty is the characteristic error of quasi-liberal political philosophy after utilitarianism. One sees it nowadays in utilitarian political philosophy influenced by the economics of Paul Samuelson of MIT and his brother-in-law Kenneth Arrow of Stanford and Harvard, such as in the political philosophies of John Rawls and Amartya Sen. A higher budget

⁴⁴ Acemoglu and Robinson 2019, p. 7 and throughout. The full case for their statism, their definition of liberty, and their inattention to how the Leviathan is to be kept within the narrow corridor is given in McCloskey 2021; and a brief case against Acemoglu and Johnson in McCloskey 2023.

line, as a Samuelsonian economist assures you, makes you “free.”⁴⁵ You’re “free” to fly to Paris if you’re rich in stuff. Never mind if your liberty *from physical coercion by a master* is at the same time nullified. The master coerces you to fly to Paris, perhaps to install you in the Bastille, or he coerces taxes from you to subsidize an ill-advised Anglo-French Concorde airplane, in which you ride speedily, though in shackles. A slave with ample food and airplane rides to Paris is said in such a political rhetoric to be “free.” If enslaved people in the U.S. had plenty of corn to eat, and perhaps some tuition in blacksmithing useful after Emancipation, they were “free.” Oh my. A child under hourly and coercive supervision, but oversupplied with food and housing and computer games, is more “free” than Huck and Jim on the raft.

Merging a lack of coercion by other humans into a lack of material income was accomplished in English by hiving off the Germanic one of the pair liberty/freedom. The Latinate “liberty” still connotes on English tongues the right not to be coerced by other humans, what the Swiss liberal Benjamin Constant called in 1819 “modern liberty.” It is the right of a non-slave, such as in Roosevelt’s first of Four Freedoms in his State of the Union address in January, 1941, freedom of speech. The Germanic word “freedom” by contrast has come in recent English, I just said, to connote the right to have lots of stuff, even if achieved by illiberal takings from others or by childish dependence on parental subsidies or by slavish obedience to the state. In the third item in Roosevelt’s quadrivium, referring back to the New Deal, freedom is said to be wealth, riches, income, capabilities, ample goods and services, a material “freedom from want.”

The divergence of the Germanic from the Latinate word had not happened yet in the Gettysburg Address. Lincoln in 1863 uses “liberty” and “freedom” to mean just what he says, for a nation conceived in Liberty (the sole capitalized word excepting “God” in all but one of the

⁴⁵ For example, Peacock 1987.

five extant copies written in Lincoln's hand]) dedicated to the proposition that all men (and women, dearest Abe) are created equal, and that a nation so dedicated should have a new birth of freedom. Freedom = Liberty. No slaves. No slave states.

Among the statist economists and fellow travelers such as Acemoglu, Robinson, Johnson, Lukes, Pettit, Sunstein, Stiglitz, Karl Polanyi, Michel Sandel, Thoms Piketty, Mariana Mazzucato, Richard Thaler, the implied politics is alarming. All yearn more or less strongly for an activist state, or are well satisfied with the mega-state we now have. They ignore the evidence that a state strong enough to be activist or mega is well worth corrupting or seizing, as routinely it is. And anyway, as the true-liberal economists Mises and Hayek warned, and Smith wrote, "in the attempting to perform [consumer nudging, industrial planning] which he must always be exposed to innumerable delusions, and for the proper performance of which no human wisdom or knowledge could ever be sufficient."

Unsurprisingly, the politicians running states, such as senators Rubio and Warren, dote on the theoretical statist. Mariana Mazzucato serves as advisor to many states. The self-contradictory "libertarian paternalism" that for example Sunstein and Thaler recommend, treats adults like children. All the non-true-liberal philosophies infantilize, or frankly enslave, in aid, I have noted, of the general will and the common wealth. Daddy rules. Quoth James I/VI, in 1598, in "well ruled commonwealths the style *Pater patriae* was ever . . . used to kings."

§

The sweetest of the ruling metaphors of modern anti-liberalism is The Family. A famous speech in 1927 to the Swedish parliament introduced the term *folkhemmet*, the people's "home." It encapsulated an alliance, characteristic of the age, of conservative corporatists and progressive planners—thus the New Deal in the United States, or indeed fascism, with *Il Duce*

as the father of *lo stato*—consecrated sometimes by the holy water of a Christian socialism. It emphasized not Marx’s class struggle but to the contrary a sweet society of (often formerly) Christian friends. Swedish politics was run as *folkhemmet* until its disasters during the 1990s.

The faith in Gunnar and Alva Myrdal as good parents taking charge of your life from their offices in Stockholm reiterates the myth in a slave society of the Good Master. The hoped-for sweetness of their paternalism in Acemoglu and his co-authors, or in the Sen-Nussbaum provision of capabilities beyond a fully liberal equality of permission, or in the Thaler-Sunstein nudging by clever economists and professors of law, echoes the old justifying myth of a slave civilization. One sees it articulated in St. Paul’s letter to Philemon, and in the letters of Seneca to Lucilius. Seneca writes, “Live mercifully with your slave, amicably even. . . . Don’t you know what our ancestors did to eliminate resentment towards masters and abuse towards slaves? They used the name ‘father of the household’ for the master and ‘members of the household’ for the slaves.”⁴⁶ Yet when exercised over adults, such a paternalism diminishes in soul and often enough in goods both the “father” and the “son.” To call a Black man “boy” has the same valence, and when elevated to coercively enforced legislating or lynching has the same material result.

The insistent modern demand that the state take the role of loving parent arises of course from democracy. Mencken again, that undemocratic if sharp-eyed wit, declared that “democracy is the theory that the common people know what they want, and deserve to get it

⁴⁶ Seneca. 65 CE, , 47:13-14. *Dominum patrem familiae appelaverunt*—“they called their master father of the household.”

The earlier Latin genitive, *paterfamilias*, is here referred to. *Familieiae* commonly meant “slave staff” (as Richard Saller notes, quoted in the *Wikipedia* entry for “*familia*”). It is so used in medieval documents, meaning “servants.”

good and hard.”⁴⁷ Democracy was entailed by liberalism, an equality of permission gradually extending to the franchise. The unfortunate paradox is that when fully extended it led to proliferating statism, a demand to be led to safety in the face of hobgoblins real and imaginary. Through coercive regulations it led to a reduction of the original equality of permission. In the ruck of special interests and under the popular belief that free lunches abound, and should be seized right away by state action, the common people got what they wanted good and hard. It has been evident most sadly in the history of Argentina after Perón.

Having the vote and then looking with envious eyes on the rich tempts people to elevate the apparently straightforward coercions of the state over the deals of spontaneous order, which are harder to understand. By contrast, the noble ideology and myth of equality of permission, even when it is not entirely plausible, such as “In America, anyone can make it with hard work,” produces in the end a real if necessarily rough equality of outcome and of opportunity – which the statists promise to achieve right away by coercion, but can’t. The American economist John Bates Clark predicted in 1901 that in a liberal economy “the typical laborer will increase his wages [in real terms, allowing for inflation] from one dollar a day to two, from two to four and from four to eight. Such gains will mean infinitely more to him than any possible increase of capital can mean to the rich. . . . This very change will bring with it a continual approach to equality of genuine comfort.”⁴⁸ The prediction was spot on, and achieved by spontaneous order, not by the state. The anti-liberal and envious and zero-sum and childish myths don’t do the work. A true liberalism is the only adultism, and the only assurance of a pretty good,

⁴⁷ Mencken 1916.

⁴⁸ Clark 1901.

substantive equality at the starting line and the finish, and wisely selective applications to big externalities of state coercion.

Let us as liberals, then, permit a dignified, adult equality of permission. Let us fear a larger and larger state. Let us put the cudgels away.

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