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Limits & Liberty

by [E.D. Kain](#) on [December 15, 2010](#)

I think one of the driving tensions in my own internal political ecology arises between the components of this posts title: limits and liberty. (Other tensions: progress and tradition; subsidiarity and solidarity; egalitarianism and self-governance. Many more.) At the crux of the matter, of course, is choice – who has it, who doesn't, and just as importantly *who gets to decide who has it and who doesn't*.

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Let me start off by saying that I am not actually that much of a fan of unfettered choice. On an individual level, unfettered choice is often little more than vice. Gluttony, lust, greed, and a few other of the Big Deadly Ones all stem from our inability to provide ourselves with limits. This is why parents teach their children to eat their broccoli before they get dessert, and to share, and all the other little so-called social skills that hopefully make them more human than monster when it begins to matter.

Much of my earlier writing focused on localism and the importance of limits and community, and these are still important to me. I am a localist still. But the question of choice has always nagged at me. I know people who grew up in small towns with no freedom to exit and they were quite miserably trapped – by the smallness and isolation of the town, by the dominant religious group, by the inescapable social cliques.

Or take the many failing public schools in this country. While I know and believe that community is an important and vital part of any school, I also realize that school choice is not just about exiting *community* it's about exiting a political system, exiting the control of powerful interest groups, teachers unions, and so forth. Traditionalists and hippies do this often through home-schooling. Wealthy people do it through private schools. Religious schools sometimes provide a way out for poor kids. But most poor kids in urban and rural communities have no exit. No choice. It doesn't serve the localist cause when local institutions are failing or calcifying and citizens have lost their capacity to bring about change.

Take other contentious issues such as the legalization of drugs. This might seem counterintuitive for many people who value tradition and order. But when you look closely enough, the effort to criminalize drugs and imprison drug users is not a force of order at all. Quite the contrary, the black markets created by the drug wars are violent and chaotic. They give rise to other black markets, providing the architecture for much more horrendous crimes such as sex trafficking. They give rise to an increasingly burgeoning, well-equipped, and violent police force – and ever-diminishing liberties for drug users and non-users alike.

Restricting choice too often comes at the expense of the least powerful among us. This is why the war on drugs has so disproportionately cracked down on black men. (No sooner had the civil rights movement achieved its greatest victories then the drug war kicked into full gear.) This is why women bear the brunt of the legal ramifications of prostitution. This is why we see poor kids lost in failing public schools. This is why the houses being raided by SWAT teams in the dead of night aren't in rich or middle-class neighborhoods and why police can raid, without warrants, [the barber shops in a working class black neighborhood in Florida](#). This is why gay people can't get married or join the military without lying about their identity. The list goes on.

We take reasonable enough positions on these things, hoping that they will lead to a moral, ordered society. Perhaps because the state is in fact a chaotic entity operating under the guise of order, they often do not. Or because the imposition of order is inherently fragile. Maybe it robs us of our self-governance, sets artificial and often arbitrary limits rather than individual and meaningful ones. Of course, this is made more complicated by the fact that the state has also done a great deal of good in very tangible real-world terms. The many people who benefit from its social assistance programs surely believe this.

[Matthias Matthijs writes](#):

we are all born unequal — some to well-off families, but most are not — and by being unequal we have unequal opportunities: to healthcare, education, and wealth. Hence, social democrats perceive many people to be inherently – “naturally” if you want — constrained in their freedoms. It is for this reason that they view the state as an actual means to enhance the freedom of many, rather than an impediment as libertarians argue, whether through universal healthcare and education, or a basic social safety net that protects people against misfortune.

This is compelling, and indeed the history of the impoverished suggests it has a great deal of truth to it – but are we so certain other institutions could not rise up in place of the welfare apparatus? Are we so certain we have taken into account all the other factors that have led to greater equality in modern times? Is it possible that capitalism and technology have led as much to the relative wealth of our poor? More cynically, is it possibly just an accident of history – the results of American dominance post-World War II?

Jim Manzi [goes into great length](#) on this very subject in *National Review*. There is a tension, Manzi argues, between human nature and capitalism that necessitates some form of the welfare state. I tend to agree. Though I am becoming more and more fond of Arnold Kling's notion of 'civil societarianism' I also believe that any reforms to the statist-quo should be done gently – though lately the arguments of the anarcho-capitalists have become more and more compelling, as we drift further and further into a world overrun by abuses of state power. An egregiously unaccountable TSA; a government poised to assassinate its own citizenry. And so on and so forth.

In 2002 [Joseph Sobran wrote](#):

For most people, *anarchy* is a disturbing word, suggesting chaos, violence, antinomianism — things they hope the state can control or prevent. The term *state*, despite its bloody history, doesn't disturb them. Yet it's the state that is truly chaotic, because it means the rule of the strong and cunning. They imagine that anarchy would naturally terminate in the rule of thugs. But mere thugs can't assert a plausible *right* to rule. Only the state, with its propaganda apparatus, can do that. This is what *legitimacy* means. Anarchists obviously need a more seductive label.

“But what would you replace the state with?” The question reveals an inability to imagine human society without the state. Yet it would seem that an institution that can take 200,000,000 lives within a century hardly needs to be “replaced.”

Sobran was a conservative Roman Catholic who came to anarchy by way of Murray Rothbard and his

anarcho-capitalist devotees. I am, as always, conflicted on the merits of anarchy. That is my *modus operandi*, naturally, [doubter](#) that I am. Freedom to exit from community and institutions comes into conflict with traditionalism, but I think the latter cannot survive without the former. Tradition adapts, evolves. In the end, we must choose our traditions if even unthinkingly. Likewise, freedom to exit the state is in conflict with contemporary liberalism. I think, however, that there is something ultimately progressive about a stateless society. They may tax us to give us healthcare, but they'll just as easily finance the next world war. There is something orderly and peaceful in anarchy that is not present in any state, a peace that is scattered and obliterated by those who would seek to control those who would strive to be free.

No, I remain unconvinced that anarchy is the best possible road – perhaps it is the best possible road in the best of all possible worlds, but not in this world in which we live. What about civil societarianism? Kling [describes it thusly](#):

My minor strand [of libertarianism] I call civil societarianism. Collective institutions that are separate from government—good. Government—bad. Activities that can be sustained through profits or philanthropic donations can be presumed beneficial, from a utilitarian-ish perspective. Activities that require taxation are sometimes beneficial in theory, but public choice issues make them much less beneficial in practice.

or [earlier](#):

The stereotypical libertarian might cite Ayn Rand and exalt the independent individual. Instead, a civil societarian would cite Alexis de Tocqueville, and his [observation](#) that “Americans of all ages, all conditions, and all dispositions constantly form associations.” These voluntary associations are what a civil societarian sees as the key to civilization.

If anything, I am rather a reluctant libertarian who has come this way by a long series of concessions. My inclination is to steer toward these voluntary associations and away from the mythology of the rugged individual. More on this later.



[E.D. Kain](#) is a blogger and freelance writer. His work has appeared in the [National Review](#), [The Washington Examiner](#), and [True/Slant](#). Currently he serves as editor in chief of [The League of Ordinary Gentlemen](#) and also writes at [Balloon Juice](#). He occasionally composes elegant 140 character cultural analysis on [Twitter](#). Contact E.D. Kain via [email](#).

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Will H. December 15, 2010 at 4:54 pm

I thought you might be useful every now and then.
Sort of split on necessary.
There's arguments to be made both ways.

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