

The Nature and Function of the State in the Framework of the Fundamental Principles of Libertarian Doctrine

Liberteryen Öğretinin Temel İlkeleri Çerçevesinde Devletin Doğası ve İşlevi

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Abstract: In this paper, we first give information about the birth, development and basic principles of libertarianism. Secondly, we try to explain the nature and function of the state within the framework of these principles. The most important point in the study is the situation of the state against human rights, whose nature and function we try to determine within the framework of the principles of libertarian doctrine. We tried to show how the state, which is considered to be the most dangerous institution in terms of human rights and freedoms in history, became an institution that protects human rights and freedoms in line with the libertarian understanding. Libertarianism is a political philosophy that emerged in America and is a follower of the classical liberal tradition. Three trends have been influential in the improvement of libertarianism. The first of these tendencies is the desire to break away from utilitarian political philosophy. Another trend is the need to set forth the ethical foundations of libertarianism. The third trend is the practices on the protection of human rights in societies where ideologies such as fascism, communism and socialism are dominant. Libertarianism suggests different ideas from other ideologies and classical liberalism on issues such as individual freedom, limited government, and the supremacy of law. The basic principles of libertarianism, which sees freedom as the highest political value, are individual rights, spontaneous order, and limited government.

Keywords: Libertarianism, state, political philosophy, freedom, parliament.



The Emergence of Libertarian Thought

Libertarianism, the continuation of the classical liberal heritage, is a twentieth century political philosophy that emerged in America, where its intellectual, economic and political foundations were also shaped (Sciabarra, 1995, p. 266). After those who advocate 'left' ideas are called liberals in America, those who follow the classical liberal tradition use the concept of 'libertarianism' to distinguish themselves and their ideas from liberals (Yayla, 1992, p. XIV). It is difficult to say that there is a consensus on the definition of libertarianism, which is included in the tradition of liberal thought in terms of political philosophy. Libertarianism is an umbrella approach that includes thinkers who are close to each other within the tradition of liberal thought but have different views on some issues (Brennan, 2012, p. 15). Due to its intellectual origins, different thinkers and thought groups have had an impact on the libertarian thought that was born and developed in America to become a school (Doherty, 2007, p. 31). The first of these thinkers was Locke. His views on freedom, property, and government formed the foundations of libertarian thought. In addition, the writings of Spanish Scholastics, French Physiocrats and Scottish Enlightenment thinkers were also influential in the formation of ideas about spontaneous order theory and free market (Kırlı, 2015, p. 30). Actually, it is a fact that the Scottish Enlightenment maintains its importance in terms of laying the groundwork for contemporary liberalism debates (Köktaş, 2018, p. 137). The influence of the American Declaration of Independence in the emergence of libertarianism should never be ignored. So much so that almost all the theses adopted by libertarian doctrine are signified in this declaration: 'We are all created equal, no one has a special right in social relations. We all have the right to life, freedom and the pursuit of happiness. The state has only one purpose, and that is to assist individuals in protecting these rights. If it is not successful in this, it has to vanish because of its futurity' (Doherty, 2007, p. 21). Another person who was influential in the emergence and development of the libertarian understanding in America is Thomas Paine, who is considered one of the founders of liberalism and libertarianism with his works. Paine states that society is established by the wishes of the people, and the state is established by the



evil in the people. According to Paine, while society increases people's happiness by combining their emotions, the state affects people negatively by restricting the evils in them (Paine, 1998, p. 7).

The movement of thought that was effective in making libertarian thought more prominent in America is the nineteenth century American anarchism. Benjamin Tucker, one of the important thinkers of this movement and one of the first representatives of individualist anarchism in America, is the leader and practitioner of it. Tucker has adopted a pessimistic approach regarding the legitimacy of the state and a rational method to achieve the goals determined in this direction. Lysander Spooner, who was influenced by Tucker's thoughts, also tried to show that the state was unnecessary. Spooner bases his theory on the principle of natural rights and consent. Spooner, who regards the state as criminal by nature, claims that the state causes injustice through its activities (Sponeer, 1998, p. 154). Anarcho-capitalism, which has been the most radical and libertarian in liberal theory since the 1970s, is accepted as an interpretation of libertarianism, and advocates a stateless society, should not be ignored in the spread of libertarian thought and its becoming more controversial in many respects (Yaman, 2018, p. 276).

The Development and Basic Principles of Libertarian Thought

Although the historical background of the understanding claiming the importance of individual freedom and free market dates back to very old times, the conceptualization of libertarianism is quite new (Kırlı, 2015, p. 34). Although it presents itself with a contemporary understanding, it is not possible to completely separate libertarianism from the classical liberal understanding. Considering freedom as the core value to guide politics, liberals think of reverence for freedom as the main limitation on political action. Every person is liberal to the extent that he is committed to respecting and promoting personal freedom. In this sense, it can be said that all libertarians are liberals. Although it is not possible to consider libertarianism independently of classical liberal thought, it is a fact that libertarianism has a peculiar development process. Three trends have been influential in the development of libertarianism. The first of these tendencies



is the desire to break away from utilitarian political philosophy. The contribution of Rawls, who represents the egalitarian liberal understanding of moving away from utilitarian political philosophy, and Nozick, one of the important thinkers of Libertarian doctrine, should not be ignored. What Rawls and Nozick wrote in the field of political philosophy is the desire to break away from utilitarian political philosophy.

Another trend is the need to set forth the ethical foundations of libertarianism. Libertarian thinkers have tried to demonstrate the ethical foundations of their own ideas against the ideas that capitalism is immoral. In determining the ethical foundations of libertarian thought, there have been thinkers who acted on Kant's philosophical anthropology based on human and ethical understanding defending the autonomy of the individual. Taking the views of Kant and Locke as his starting point, Nozick emphasized that the state should be limited morally in order to protect the rights of the individual. Because, according to Nozick, political philosophy is based on moral philosophy and the boundaries of political philosophy are drawn by moral philosophy.

Another trend that is effective in the development of libertarianism is the emergence of controversial practices regarding the protection of human rights in societies where ideologies such as fascism, communism and socialism are dominant (Boaz, 1997, p. 6). Starting from the basic theses of classical liberalism, libertarianism has put forward different ideas from other ideologies and classical liberalism on issues such as individual freedom, limited state, and supremacy of law (Barry, 1986, p. 2). Libertarianism is founded on the ideal of freedom, and libertarians regards freedom as the highest political value. However, this does not mean that freedom is the most important value in human life. Also, politics is not the only important thing in life. For libertarians, the primary value that should be applied in politics is freedom. Political life is directly related to securing justice, peace and wealth sharing. Libertarians draw on the grand tradition of classical liberal thought that sees these as mutually reinforcing principles and values. The basic principles of libertarianism are individual rights, spontaneous order, and the constitutional limited state, respectively.

According to libertarianism, individuals have rights that precede their political affiliation. These rights do not derive from power, but can be used



against power. Nozick, a libertarian thinker, states that individuals have certain rights and that these should not be violated by any person or group (Nozick, 1974, p. IX).). According to Nozick, individuals seek the meaning of life as autonomous and rational subjects. What makes human life valuable is to act and to follow the life that he has determined. Individual rights are the means by which people can achieve their goals. The purpose of Nozick's acceptance of individuals as subjects with certain inviolable rights is to prevent a political collective authority from being decisive on the life of the individual (Kocaoğlu, 2014, p. 53). In accordance with the constitutional principle of limited state, rights need to be protected by establishments that we authorize to use force to protect them. But often these establishments themselves pose the greatest and most dangerous threat to rights. Therefore, these establishments must be strictly limited through constitutional mechanisms. Among these mechanisms; separation of powers, judicial systems independent of the executive, and ensuring that the law is always superior to the government. Individual rights must be clearly articulated and protected by judicial establishments. When individual rights are defined and legally protected in this way, order will emerge spontaneously. When social order and harmony emerge in an unplanned way, people can respect the rights of others more. When people get used to exercising their own rights and respecting the rights of others, they may be more insistent on the limitation of legal establishments (Palmer, 2016, p. 41).

According to libertarianism, complex orders are not simply managed. Language, market economy, common law, and many other coordination mechanisms that we do not know enough about emerge not through imposition from a strong leader, but through the interaction of people living by relatively simple rules. Many orders, including the market economy, are determined in the process of formation. The 'order' in the market comes entirely from the process of voluntary exchange between its participants. 'Order' is the result of sharing and distribution in the mentioned exchange process and cannot exist independently of the exchange process. In the absence of this process, 'order' cannot emerge. It is not easy for the human mind to perceive this situation because when the human mind encounters an order, it immediately tries to find its creators. However, when we examine it carefully, we see that complex orders consist of relatively simple



principles. The same principle applies to complex patterns created by human cooperation. The idea of defending rights becomes much more plausible when it is understood that the clear definition and legal guarantees of human rights enable more complex environments of social order and cooperation. At this point, the principle of libertarian thought, expressed as a constitutional limited state, is needed (Palmer, 2016, p. 45). According to libertarianism, a number of establishments such as the judiciary, security forces and police are necessary to adjudicate disputes among people and to defend human rights. The danger is that when certain establishments or people are empowered to protect us, there is a possibility that people will be victimized by these establishments and individuals. According to the libertarian understanding, although respect and voluntariness are essential in the relations between people, it will not always be possible for people to protect themselves against aggression, using their individual physical strength. There is a need for an establishment that will prevent the use of force and violence in relations between people and regulate these relations with certain laws. However, since this establishment has the possibility of using force and violence against people, this establishment, the establishment of power, should be limited. The establishment of power cannot be perfectly limited. The limitation of power varies greatly according to the history of the country, the strength of its various establishments, and other factors. The most important feature of libertarianism is the structural limitations on power.

The supporters of libertarianism, which has become the label of those who support the idea of free markets, should not be thought of as a group that mostly shares the same views (Haworth, 1994, p. 3). Because there are important differences between the ideas of these thinkers. Even any two of these philosophers cannot be said to have the same views. However, all of these thinkers are called libertarian supporters because they generally have some common ideas based on freedom, rejecting restrictions on all aspects of life. Libertarianists advocate free market capitalism and the supremacy of law and oppose statism and collectivism. Libertarianism suggests that every man owns his own life and no one can own another man's life; it argues that as a result of this situation, every person has the right to act in accordance with their own choices, and one cannot violate the freedom of



other people to act in line with his own choices (Can, 2007, p. 40). A libertarian thinker Milton Friedman says, 'The appropriate tools for the liberal are voluntary cooperation and free discussion, which indicates that any other form is inappropriate. The ideal is complete consensus among responsible individuals, freely and on the basis of discussion,' and he considers freedom as a sine qua non of libertarianism (Friedman, 1988, p. 48). The main theses of libertarianism can be put forward in detail as follows:

No one is the master of another and no one is the slave of another (Hospers, 1986, p. 486). No one shall be held in slavery or servitude. Fundamental rights of people are inalienable. Therefore, slavery is always illegitimate as it violates a person's right to be free and makes him an instrument of another (Barry, 2003, p. 265). A person who is someone else's instrument has no opportunity to direct his own life. I am the only one who decides how to lead my own life. Just as you are the only one who decides how your life is to be directed. You have no right to be my master by enslaving me, just as I have no right to enslave you to myself and I have no right to enslave myself to you. Slavery is often a person's forcible domination of another person or people and trying to use them as a tool.

Libertarianism is a political philosophy that centers on the importance of individual freedom. A libertarian can be a social conservative or a social progressive, or he can be an urban or rural person, religious or not, a teetotaller or a drinker. What unites libertarians is the stable commitment to assumed freedom in human relations (Ruper, 2016, p. 24). According to libertarianism, people do not have to get permission from any person or society to live their own lives. People do not need to respond to others or justify themselves as they lead their own lives. People cannot even be compelled to serve their own selves, let alone others. A person can live his life as he chooses, as long as he lives in peace and respects other people. According to libertarianism, no one should be forced into another's view of the decent life. We may see that the life they lead is destructive and we may try to persuade them to change their ways. But we cannot force those people to live a better life; because volunteerism is essential in libertarian understanding (Brennan, 2012, p. 19). Libertarians who think that people are agents of their own lives recognize that respect is paramount in human interactions. To respect people as agents of their own lives, they must be



given as wide a range of personal, civil and economic freedom as possible. According to libertarians who advocate radical equality, no person or group of people has any civic authority over others. Every person has the same moral standing, regardless of ability, virtue, or social class. Every man is equally sovereign over himself and equally far from being sovereign over others (Locke, 2016, p. 16). At this point, it should be noted that libertarianism does not claim and does not advocate that people should be economically equal to one another. On the contrary, libertarianism holds that people are equal to one another as human beings.

Libertarianism holds that no one has the right to use force to dominate and possess another's whole life, or to take possession of any part of that person's life. Each individual is the owner of his own life and his own freedom and does not have the freedom to deprive others of their rights (Hospers, 2013, p. 22). Other people's lives are not for you to sell or put an end to. No person can put a mortgage on another person's life without their consent. I cannot claim that the products of your life, your work, or your effort are mine. The product of a man's labor should not be an easily attainable target for any spongers or other people who batten on him, as if it were his own, and pursue him to obtain it. The products of a carefully arranged and cultivated garden are not for any passer-by who desires ripe fruit to be plucked, nor are they for spending to achieve various purposes determined by the representatives of the state in that region. It's not right for a robber to steal your money, even if it's for his mother, who was injured. It is not even correct to take that money from you by force of the state and give it to the sick or injured. While liberal political and social egalitarians support that free bartering by people can at least be taxed to compensate for the born-handicapped or socially disadvantaged, libertarian thinkers regard individuals as the absolute owners of their labor and capital. Clearly, libertarian doctrine is embedded within the human rights view. Every person has the right to live their own life according to the choices they make, just as other people have the equal right to live their own lives in align with their own choices. According to Nozick, the most important rights are the rights that a person has on himself, that is, the rights that constitute the thought of owning himself. It has significance stemming from the wholly reflexive meaning of 'self' in the idea of self-possession.



This means that the owner and the owned are the same person (Cohen, 1986, p. 110).

After the explanations we have made about the emergence, development and basic principles of libertarian thought, we can discuss by explaining the general consensus of the supporters of the said doctrine regarding the nature and function of the state. Libertarian thinkers' thoughts on this subject, as in other issues, are intertwined with the opinions of classical liberal thinkers who have been the source of libertarianism's understanding of the state. For this reason, the explanations and evaluations we will make about the nature and function of the state can be considered as a more radicalized continuation of the classical liberalist tradition.

The Nature and Function of the State from Classical Liberalism to Libertarianism

Classical liberalism, whose basic idea is accepted as freedom within the framework of law, is evaluated as a philosophy that is simple and stimulates emotions (Rowley, 2002, p. 75). Liberal thinkers opposed the use of force as a tool in interpersonal relations and argued that voluntarism is essential. Therefore, they were suspicious and concerned about all kinds of authorities in general and the state in particular. According to liberalism, the state has often been at the forefront in terms of violating human rights by force. A state that is not constitutionally limited and not bound by the rules of law is the greatest threat and danger to human rights and freedoms. Because the state may violate human rights by carrying out many actions that are prohibited for individuals under certain covers. For this reason, the state advocated by classical liberalism is not a state that is independent of its citizens and has absolute authority over them. In classical liberalism, the ideas about the emergence of the state are aimed at limiting the state and binding it to rules (Yayla, 2002, p. 22). Contract theory is very convenient in terms of limiting the state and binding it to rules. Most, if not all, contract theories have used liberalism in the direction that political power should be necessarily limited. Sabine lays out an important aspect of contract theory as follows: "The real significance of the theory is its insistence that matters of law and government fall within the realm of morality; law and government are not merely expressions of coercion, they are subjects



of moral criticism. Therefore, the theory generally shifted to liberalism” (Sabine, 1969, p. 109).

Contract theories have been put forward based on a certain assumption. The thinkers who defend the contract-based theories did not claim that individuals living alone signed a contract in order to form a society and live together (Freyer, 2012, p. 26). They adopted a liberal tendency by emphasizing the individual, who had previously been secondary to society, and developed contract theories based on reason (Barry, 1989, p. 117). According to contract theories, the contract, which provides the emergence of the state, was made in order to regulate the relations between the rulers and the individuals. According to this contract, the existence and legitimacy of the state is based on natural law and natural rights. When the state violates these rights, it loses its legitimacy. Thus, the power and authority of the state was limited and its scope of action was narrowed. The contract was made in order to protect the values that existed before the contract was made and which are generally accepted as natural rights, and to avoid the troubles and insecurities that may arise in the natural situation (Uslu, 2011, p. 233).

It is possible to ground liberalism philosophically on the basis of Kant's thoughts. The unconditional imperative, which forms the core of Kant's moral philosophy, commands that individuals be treated "not only as a means but also as an end" (Kant, 1998, p. 41). Because, as an individual, man freely sets his own moral law. Man's moral ability is an indicator of his freedom, and his freedom is the basis of his value as a human being. In addition, the definition of freedom in Kant's writings on political administration constitutes another starting point of liberal political theory. Accordingly, freedom exists when the freedom of one person is compatible with the freedom of others (Kant, 1973, p. 173). Liberalism's limited view of the state can also be found most clearly in Kant. The form of state that Kant advocated is based on the priority of freedom over the good. According to him, the duty of the state is not to support the view of happiness by forcibly imposing a certain morality on people. According to Kant, who accepts paternalist rule as a complete despotism, the essence of politics is freedom for people's mutual external relations; the basic principle is the right, that is, the limitation of the freedom of each individual in a way that



can be reconciled with the freedom of others. In order to say that a state is lawful, it must be based on the a priori principles of freedom of every citizen as a human being and equality as a national (Kant, 1973, pp. 155–156).

Although they have very different ideas about the emergence of the state, classical liberal thinkers assign the same limited task to the state: justice, homeland security and national defence. Internal security includes protecting every person living in the same political union against attacks from others. National defence aims to protect people and their unity against attacks from outside the political union. Justice, on the other hand, covers the punishment of the aggressor and the compensation of the victim in violation of the rights of the people (Uslu, 2011, p. 233). The scope of activity of the state is to protect the individual against the unjust interventions of others, to ensure compliance with contracts and judicial services (Kocaoglu, 2018, p. 251). Due to the limited nature of the liberal state, this is also expressed as the state where the laws are dominant. Hayek is the thinker who elaborates on the doctrine of the rule of law in liberal theory. It can even be said that the essence of Hayek's liberal social theory is the rule of law itself. According to him, the goal of the rule of law doctrine is for citizens to know how the law will affect them. The law requires a broad consensus based on common sense of what is right and what is wrong (Butler, 2001, p. 171). Stating that one of the features that a rule must have in order to be called a law is that "all laws must bind everyone, including the government", Hayek also reveals the principle of constitutionalism. However, Hayek is also aware that broad powers given to legislatures based on the doctrine of sovereignty can have illiberal consequences. The fact that a law is the work of those representing the majority in parliament does not mean that it will not be oppressive (Hayek, 1960, pp. 155–156). The right of the majority to achieve its purpose is not absolute and unlimited. The rights of the minority constrain the decisions of the majority (Turhan, 1997, p. 57).

Traditional political philosophy considers human as a social and political creature by nature (Strauss, 2000, p. 271). An authority is necessary for the protection of the rights of people, who are social and political beings, and for the resolution of disputes between them. This authority is the



political power or state that emerges depending on the consent of the individuals. In other words, the source of state authority is the consent of the governed. This means that the state or political administration is not the ruler but the servant or representative of the citizens. Any state that does not rely on the consent of its citizens, seizes political power by force, and tries to rule its citizens in spite of them, has no legitimacy. Only a regime or government based on the will of the people is legitimate (Friedrich, 1999, p. 171). If the state claims to have a right over its citizens, it has an obligation to rely on the consent of its citizens. This means that the state, in fact, has no rights other than the rights that the citizens have transferred to it for a certain purpose. The duty of the state is to limit the discretion of officials and to protect individuals from their arbitrary actions and actions (Mises, 2004, p. 78).

According to libertarianism, if each of the people living in a society thinks that they should exercise their right to defend themselves, only the fittest can survive. When there is a disagreement between people on any issue, they try to resolve these disagreements by considering the principle of mutual benefit, not by force. The adherents of the libertarian doctrine try to present their views on the issue of mutual benefit on a contractual basis. However, considering that liberal egalitarian theories are also contract-based (Kymlicka, 2002, p. 128) one should not confuse the ideas of the libertarian school with them. Agreements that foresee mutual benefit are included in traditional morality and therefore they can be said to offer a moral code. Gauthier describes such theories as 'moral artifice' because they are an artificial way of limiting what people have as rights by nature. The operation of these compromises, which take care of personal interests, against individuals requires the society to create complex mechanisms and to resort to force if necessary. It is not clear at the outset whether force will be used in the implementation of the compromise. If the compromise is in everyone's interest, why not expect everyone to voluntarily support it? Why shouldn't some artificial social mechanism be needed to enforce the compromises? Libertarians who advocate the principle of mutual benefit assert that everyone has the power to protect what they produce against the coercion of others, and they accept that people are naturally equal



(Lessnoff, 1986, p. 107). People are more or less equal in that they are naturally capable of harming others and open to harm from others, even if they are physically weaker or stronger than each other. While this factual equality is accepted as the basis for equal respect for the idea of self-possession, it is not at all realistic. Because many people lack the power of self-defence and therefore cannot claim the right to self-possession on the basis of mutual benefit. For if the personal differences are great enough, the strong have the power to wipe out the weak or seize what is produced by them, thereby establishing something akin to the slave contract. For this reason, according to Libertarianism, the main purpose of a state is to protect the benefits that people can provide to each other and to prevent the harm they can do to each other in order to allow people to continue their existence in society (Rand, 1964, p. 130). The market system, which is a spontaneous order, is not based on common goals, but on the reconciliation of different interests and goals for the mutual benefit of the parties (Hayek, 1967, p. 163).

For libertarianism, a free society—like any other human creation—cannot be achieved by accidental means, simply by will, or by the good intentions of its leaders. A complex legal system based on objectively valid principles is the condition for liberating a society and keeping it in this way. This system is not based on the motives, moral character or intentions of any official; It does not allow the development of tyranny, and it does not contain legal gaps that will lead to it. The structure in which this system is valid is a state of law, without the state of law, it is not possible to protect individual rights against political power (Beetham & Boyle, 1998, p. 78).

The limitation of political power is characteristic of a liberal democracy. In this context, human rights, the state of law, and constitutional jurisdiction become evident as indispensable requirements for the limitation of power (Erdoğan, 2002, pp. 8–9). Liberal democracies often avoid elaborate, rigid constitutions and constitutions mandating policies that are likely to be outdated (Ashford, 2009, p. 33).

According to libertarianism, although all rights are dealt with on an individual basis, people derive great benefits from living together. A social environment is essential for the successful survival of people. If people are



to live together in a peaceful, productive, rational society, they must accept the basic social principles, namely individual rights, without which no moral or civilized society can exist. Because the recognition of individual rights means the acceptance of the conditions required by human nature for one's own survival (Rand, 1964, p. 126). According to libertarianism, human rights can only be violated by the use of physical force. However, the prerequisite of a civilized society is the disabling of physical power in social relations. The absolute consequence of man's right to life is his right to self-defense. In a civilized society, power can be used in the sense of opposition and against those who initiate it. If a society provides no organized protection against power, it plunges that society into a gang war mess. The use of physical force cannot be left to the preference of individuals. In other words, the use of force against a person cannot be left to the arbitrary decision of another. If a society throw the use of force in opposition on individuals, that society will degenerate into a law of lynching and an endless stream of vendettas. If physical power is to be disabled in social relations, people need an establishment that has the task to protect their rights within the framework of objective rules. The establishment that carries on this task is the state. This is the basic task of the state and the sole moral reason for its existence, the real reason why people need a state. The main purpose of the state is to protect the fundamental rights and freedoms of the people. A state established to realize such an end is legitimate only as long as it stays within the limits determined by this end. As Locke put it, "... the state is established as a common judge among the people for the better protection of the freedoms of its members than in the natural situation. For this reason, people do not consent to live under a regime that exceeds this limited purpose and whose powers are expanded in a way that will restrict, destroy or harm their rights and freedoms." (Uslu, 2011, pp. 234-235).

According to libertarianism, a state is a way of using physical force in the form of opposition under objectively determined laws. The definition of the state as the only establishment with the authority to use violence legitimately indicates this situation (Clastres, 1991, p. 12). The main difference between the action of the individual and that of the state is the fact that the state has a monopoly on the legal use of physical force. It has to



maintain such a monopoly because it is the establishment that prevents and combats the use of force. Therefore, the actions of the state must be strictly defined and limited. The state must be a robot whose source of action is laws. While an individual living in a free society where the law is dominant is free to take any action he wants as long as he does not violate the rights of others, a government official is bound by the law in every official business. An individual can do anything prohibited by law; a government official cannot do anything except what is permitted by law. This is the way to keep power inferior to right or to subordinate power to right (Rand, 1964, p. 128).

According to libertarianism, the only real purpose of a state is the protection of individual rights. This protection is the only legitimate issue of the legislature. All laws should be based on and aimed at protecting individual rights. All laws must be objective and objectively justified. People should know in advance what the law prohibits, which actions are crimes, and what kind of punishment they will receive when they commit them. According to libertarianism, the source of the state's authority is the consent of the governed. This means that the state is the servant of the citizens rather than the ruler, and the state itself has no rights. There is only one principle to which any person wishing to live in a free society must consent: the principle of refusal to use physical force and the transfer of the right to physically defend oneself to the state for the purpose of regular, objective, legally defined law enforcement. Because if each person living in a society thinks that they should exercise their right to defend themselves, only the strong can win in that society. For example, what if there is a disagreement between two people about a business that concerns both of them? First of all, it should be said that in a free society people cannot be forced to do business with each other. They can only voluntarily agree or contract with each other. If a contract is broken by an arbitrary decision of one of the parties and causes serious harm to the other, in order to compensate for the damage, there is no other choice but to resort to the assets of the person who broke the contract. But here, too, the use of power cannot be left to the discretion of private individuals. This brings us to one of the most important and complex tasks of the state: the task of an arbitrator to settle disputes between people according to objective laws (Rand, 1964, p.



129). The state tries to resolve disputes between citizens through the courts. The protection and enforcement of contracts through the courts is the most vital need of a peaceful society. No civilization can be developed and preserved without such protection. Contracts are not only a situation that concerns economic issues, but are forms of relations that confront human beings in almost every area of life and continue as the minimum conditions for people to live together. Unilateral breach of contracts is like an indirect unilateral use of physical force. In essence, this means that a person refuses to pay for another person's material values, goods or services after they obtain them. This is nothing but the fact that they are not held by right, but by force, that is, without the consent of the owners.

Fraud is likewise the indirect use of force; because it means the acquisition of material values without the consent of the owners, through deceitful or false promises. According to Rand, a libertarian thinker, usurpation is another form of indirect use of force. In it, too, material values are acquired not through the exchange or barter of values, but through the threat of force, violence, or harm. Such issues should be subject to objectively determined laws and resolved by an impartial arbitrator enforcing them. In all these cases, it is necessary to pay attention to the basic principle of justice: No one can take away any value from others without the consent of the owner. As a natural consequence of this, the rights of a person cannot be left to the mercy of another person, which changes according to his unilateral decision, arbitrary choice, and irrational behavior. The confiscation of the products of a person's labor without his consent also violates the principle of mutual benefit. Libertarian thinkers' views on mutual benefit have been tried to be presented on the basis of contract. Libertarians who advocate the principle of mutual benefit argue that everyone has the right to protect what they produce against the compulsion of others. Libertarians accept that people are naturally equal. People are more or less equal in that they are naturally capable of harming others and open to harm from others, even if they are physically weaker or stronger than each other. While this factual equality is accepted as the basis of equal respect for the idea of self-possession, it is not at all realistic. Many people lack the power of self-defense and therefore cannot even claim the right to



self-possession on the basis of mutual benefit. For if the personal differences are great enough, the strong are able to eliminate the weak or seize what is produced by them, thereby establishing something akin to the slave contract. Therefore, according to Libertarianism, the main purpose of a state is, in essence, to protect the benefits that people can provide to each other and to prevent the harm they can do to each other in order to enable them to continue their existence in society (Rand, 1964, p. 130). It can also be said that the purpose of a state that stands within its proper borders is everything it can do for the common happiness of the people living under its authority (Humbolt, 2004, p. 87).

Libertarianism states that the tasks of a state should be evaluated within three basic categories, all of which relate to the use of physical force and the protection of human rights: the police to protect people from criminals; armed forces to protect them from foreign invaders; courts to settle disputes between people according to objective laws. According to libertarianism, the purpose of law and the state is the protection of individual rights. For this reason, governments are more or less given moral authority as guardians of "law and order" and are respected. Even the worst political administrations have found it necessary to give an appearance of order and justice, if they are based only on habit and tradition, and to prove the moral justification of their mystical or social power in one way or another. Today, those who hold political power in many countries of the world also hold the administration even though their citizens do not want their rule. The destruction or deprivation of people's freedoms in these societies is not entirely due to the personalities of the rulers, but to the nature of the systems dominant in those countries. In other words, the people living in these countries have not yet understood the main function of the state as the 'guardian of fundamental rights and freedoms'. According to the libertarian thinker Rand, when the dominant view of the state is morally and politically inverted, the state is moving towards being the most dangerous violator of human rights, instead of being the protector of them. Instead of being the guardian of freedom, the state establishes slavery; instead of protecting people against those who use physical force, they resort to physical force and coercion in whatever way and in any way they want. Instead of serving as an instrument of objectivity in the field of human relations,



the state creates a deadly, secret reign of distrust and fear through non-objective laws whose interpretation is left to arbitrary decisions by random bureaucrats (Rand, 1964, pp. 133–134).

According to libertarianism, the role of the state should be limited to the use of violence in retaliation against those who initiate it. The state should not enter into areas such as religion, social organization and economy. The state is the most dangerous establishment known to man. Even Murray Rothbard considers the state as an embodied violence, a force (Rothbard, 1973, pp. 15–18). Potentially a political administration is the most dangerous threat to human rights. The political administration maintains a legal monopoly on the use of physical force against legally disarmed victims. Human rights can also be violated only through the use of physical force. Only through physical force can a person be deprived of his life, enslaved, stripped of the fruits of his labor, prevented from pursuing the goals he wishes to pursue, or compelled to act against his rational decisions (Rand, 1967, p. 330). Throughout history, the state has violated and abused the rights of people more than an individual or a group. Anarchists and libertarians argue that all forms of political authority and oppression are an unjustified burden on individual freedom and must therefore be resisted. Both anarchists and libertarians view the state as a parasitic establishment that lives off society and disrupts natural harmony. Unlike individual criminals, the state has the power to capture, prosecute and arrest. Again, unlike individual criminals, the state, by dominating every aspect of a person's life, completely besieged and surrounded him, leaving no other authority to resort to other than leaving the country. Throughout history, the state's record has been worse than any individual's. In fact, libertarian doctrine, in parallel with anarchism, accepts that the state is based on violence and expresses that it is an imposition against a harmonious society.

Conclusion

The thinkers, who put forward their thoughts by following the classical liberal line and are described as libertarians, defend the thesis that every person owns his own life and that no one can own another person's life. Every human being has the right to act in accordance with his own choices. Human actions carried out within the framework of the principles of a free



society or limited state should not be hindered by other people or by political power. No one is the master of another, nor the slave of another. No one shall be held in slavery or servitude. People who are free by nature should not be enslaved by others. Fundamental rights of people are inalienable. People need an institution that has the duty to protect their rights within the framework of objective rules. The institution that carries this duty is the state. This duty is the basic duty of the state and the only moral reason for its existence, the real reason why people need a state. According to libertarianism, the state is a way of using physical force in the form of opposition under objectively determined laws. Whatever good or evil they may do, states are always and everywhere institutions of violence. Libertarians who view the state as institutionalized forms of violence do not like to have the state solve problems. However, libertarianism, which accepts the state as an institution of violence, ignores that various problems and ultimately violence can arise from the selfish actions of individuals. Although it is not wrong to say that the state is a source of violence, it is also a fact that the state eliminates many forms of violence.

Libertarians argue that the state breaks the bonds that unite people, and because it holds power and resources, it weakens and even destroys individual loyalty by stealing people's time and money. Although these explanations seem justified, claiming that the state cuts off the ties between people and deprives people of material and emotional resources does not seem to reconcile with historical, social and political realities. In history, many scattered communities came together through the state and experienced the consciousness of being a nation. Libertarians, who oppose war because it increases violent crime, argue that the state's war on drugs also condemns certain groups of people to poverty. While it is understandable to oppose war, to claim that every war increases violent crime is to claim that the purpose of all wars is the same. However, a war waged for imperialist purposes and a legitimate war waged by a state whose borders are violated and its lands are usurped do not carry the same purpose.

According to the adherents of the libertarian doctrine, the mere special task of the state is to protect the rights of its citizens against the aggression of others. Undoubtedly, the state should never be the party that initiates aggression. Its main task is to use retaliatory violence as a counter



to any person who initiates it. The state protects the individual against the aggressors and also punishes the aggressors if they attack any individual. If the state is effective and determined to do maintain this task, this will provide the citizens with the opportunity to go to their own business without being disturbed and to act without fear in terms of their lives. In order to fulfill all these functions, of course, the state should use the police force to protect the citizens from the attacks of the aggressors within its borders, and the armed forces against the attacks that will come from outside (Rand, 1968, p. 183). Beyond all this, the state should not attempt to intrude into a person's life. The state should not manage the individual's business, regulate his daily activities, order him his personal moral principles, or even define some rules for him in this sense. What then should the role of the state be? In short, it should be to protect human rights.

In a country where human rights are protected and code of conduct is respected, individuals will enjoy the freedom to organize their own lives and to seek happiness in their own way. Such a society will be more harmonious and more qualified than the order that the state tries to achieve through direct imposition. Because a system built on individual rights, spontaneous order and constitutionally limited state-elements is a free world. The free world is, of course, an imperfect world; because it is full of flawed people, and we cannot trust any of them to use political power properly. Indeed, even the best of these people cannot easily resist the temptation to use power indiscriminately, to victimize others, and to treat them unfairly. This is why constitutional mechanisms are necessary to limit power. But libertarianism is not just a vision of limitation; it is also a vision of social, scientific and artistic progress. Libertarianism is also the vision of peaceful coexistence; mutual respect between tens of thousands of different lifestyles and cultures; the vision of industry, commerce and technology that eradicate poverty and push back the limits of ignorance; and the vision of honorable individuals who are guaranteed to enjoy freedom, independence and rights. Libertarianism offers both an intellectual project as a way of relating and understanding important ideas and a viable one to establish freedom, peace and justice in the world. The freedom project will inspire those who dare to achieve them.

Criticisms of liberalism in general and libertarianism in particular can



be partially excused. Because liberal political theory has developed intertwined with socio-political practice, it is very difficult to consider liberalism as a thought dimension independent of these developments. In our country, the biggest share in the popularity of anti-liberalist ideas belongs to the communitarian and authoritarian tendencies existing in our culture rather than the blurriness in the historical picture of this tradition of thought. From the Ottoman period to the present day, Anti-liberalist ideas have gained more popularity since the bourgeoisie is not in an autonomous position, and a civilian structure that will influence and direct politics in every aspect has not been formed. In addition, the fact that the state coming before the individual in all aspects and being considered as an important entity is one of the obstacles to the spread of liberal ideas in our country. Communitarian-collectivist understandings, which continue to exist in our country due to historical and cultural reasons, are among the factors that prevent liberal ideas from being accepted. Because in societies where communal-collectivist understandings are dominant, it is almost impossible for individuals who will determine their own destiny with their own minds to emerge.

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Öz: Bu çalışmada öncelikle liberteryenizmin doğuşu, gelişimi ve temel ilkeleri hakkında bilgi verdik. İkinci olarak, söz konusu ilkeler çerçevesinde devletin doğası ve işlevini izah etmeye çalıştık. Çalışmadaki en önemli nokta, hürriyet doktrininin ilkeleri çerçevesinde niteliğini ve işlevini belirlemeye çalıştığımız devletin insan hakları karşısındaki durumudur. Tarihte insan hak ve özgürlükleri açısından en tehlikeli kurum olarak kabul edilen devletin nasıl özgürlükçü anlayış doğrultusunda insan hak ve özgürlüklerini koruyan bir kurum haline geldiğini göstermeye çalıştık. Liberteryenizm, Amerikada ortaya çıkmış bir siyasal felsefedir ve klasik liberal geleneğin takipçisidir. Liberteryenizmin gelişiminde üç eğilim etkili olmuştur. Bu eğilimlerin ilki faydacı siyaset felsefesinden uzaklaşma arzusudur. Diğer bir eğilim, liberteryenizmin etik temellerinin ortaya konulmasına duyulan ihtiyaçtır. Üçüncü eğilim ise faşizm, komünizm, sosyalizm gibi ideolojilerin ege- men oldukları toplumlarda insan haklarının korunması konusundaki uygulamalardır. Liberteryenizm, bireysel özgürlük, sınırlı devlet, hukukun üstünlüğü gibi konularda diğer ideolojilerden ve klasik liberalizmden farklı düşünceler ortaya koymuştur. Özgürlüğü en yüksek siyasi değer olarak gören liberteryenizmin temel ilkeleri bireysel haklar, kendiliğinden doğan düzen ve sınırlı devlettir.

Anahtar Kelimeler: Liberteryenizm, devlet, siyaset felsefesi, özgürlük, parlamento.

