

Libertarianism as a solution to the paradox of tolerance

Libertarianizm jako rozwiązanie paradoksu tolerancji

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ABSTRACT

The purpose of this paper is to discuss the paradox of tolerance in the context of the market process. The question is whether we should tolerate all free market activities, even intolerant actions? I argue that the libertarian nonaggression principle is the only rational answer to the paradox, ensuring the harmonious coexistence of diverse individuals in a free society. Since libertarians focus on physical aggression rather than on intolerance, they do not have to be willing to tolerate anything – only anything peaceful. The laissez-faire approach enables people to pursue their own goals, even if they do not agree with each other. Such a “means-connected” society requires individuals to tolerate other people’s ends, even if they consider them as morally repugnant. I show that the libertarian approach does not imply libertinism and passive acquiescence to evil. On the contrary, libertarians actively fight for freedom, a prerequisite of moral life.

Słowa kluczowe: paradox, tolerance, market, libertarians, freedom.

Celem artykułu jest omówienie paradoksu tolerancji w kontekście procesu rynkowego. Pytanie brzmi, czy powinniśmy tolerować wszelkie działania na wolnym rynku, nawet nietolerancyjne? Twierdzę, że libertariańska zasada nieagresji jest jedyną racjonalną odpowiedzią na paradoks tolerancji, zapewniającą harmonijne współistnienie różnych jednostek w wolnym społeczeństwie. Ponieważ libertarianie skupiają się raczej na agresji fizycznej niż na nietolerancji, nie muszą być skłonni do tolerowania czegokolwiek – tylko wszystkiego, co pokojowe. Podejście leseferystyczne pozwala ludziom realizować własne cele, nawet jeśli nie są ze sobą zgodni. Społeczeństwo, w którym ludzie nie realizują jednego nadrzędnego celu, lecz wiele różnych celów indywidualnych, wymaga od ludzi tolerowania celów innych ludzi, nawet jeśli uważają ich za moralnie odrażających. Podejście libertariańskie nie implikuje libertynizmu i biernej zgody na zło. Przeciwnie, libertarianie aktywnie walczą o wolność, warunek życia moralnego.

Keywords: paradoks, tolerancja, rynek, libertarianie, wolność.

STRESZCZENIE

Introduction

In *The Magic Mountain*, Thomas Mann wrote that “tolerance becomes a crime when applied to evil” (Mann, 1924). In this quote, the German novelist touched on the problem with the concept of tolerance. The troublesome issue is whether tolerance implies being tolerant of the intolerant, or whether the intolerant people put themselves beyond the limits of toleration. What are the limits of tolerance (if they exist), who decides what they are, and how do they do so? Is the limit when tolerance becomes moral indifference or nihilism? Should we tolerate all free market results, even if we find them morally abhorrent? Dilemmas like these prompted Karl Popper to define the “paradox of tolerance.” He formulates it as follows:

Less well known is the paradox of tolerance: Unlimited tolerance must lead to the disappearance of tolerance. If we extend unlimited tolerance even to those who are intolerant, if we are not prepared to defend a tolerant society against the onslaught of the intolerant, then the tolerant will be destroyed, and tolerance with them... We should therefore claim, in the name of tolerance, the right not to tolerate the intolerant. We should claim that any movement preaching intolerance places itself outside the law. (Popper 1947, chap. 7, note 4).

According to Popper, there are limits to tolerance since intolerant people put themselves beyond the limits of toleration and even outside the law. However, there is a problem: who decides what the limits of tolerance are, and how? Clearly, such an approach is potentially dangerous – especially if the state would define and suppress the intolerance – as it generates the risk of one-sidedness and arbitrary boundaries between us, the tolerant, and them, the intolerant.

In this essay, I argue that the libertarian nonaggression principle is the only rational answer to the paradox of tolerance, ensuring the harmonious coexistence of diverse individuals in the free society. In the next section, I address the notion of tolerance. Next, I characterize libertarianism briefly (section III). Section IV explains the libertarian approach toward tolerance and its paradox. Then I provide some examples of libertarian tolerance (section V). In section VI, I discuss whether libertarians are libertines. Section VII concludes.

What is tolerance?

The history of tolerance goes back to antiquity, but it became one of the most important political and philosophical notions after the Reformation, which sparked religious conflicts across Europe. Although for a long time the concept of tolerance applied mainly to religious tolerance, in the second half of the nineteenth century it gained a general, modern meaning (Mill 1869).

According to *The Stanford Encyclopedia of Philosophy*, tolerance generally refers to “the conditional acceptance of or non-interference with beliefs, actions or practices that one considers to be wrong but still ‘tolerable’, such that they should not be prohibited or constrained” (Forst 2017). Similarly, *The Cambridge Advanced Learner’s Dictionary & Thesaurus* defines tolerance as “willingness to accept behaviour and beliefs that are different from your own, although you might not agree with or approve of them” (<http://dictionary.cambridge.org/dictionary/english/tolerance> 2017).¹

¹ Although the dictionary’s definition seems to be simple, there are many philosophical problems related to tolerance. See, for instance: Heyd (1996).

Tolerance thus has two elements: an objection component and an acceptance component. The object of tolerance is considered bad, but it is accepted nonetheless. This idea was probably best expressed by a quotation (erroneously) attributed to Voltaire: “I do not agree with what you have to say, but I’ll defend to the death your right to say it.” In this light, it would be unsuitable to not tolerate what is wrong, as this is precisely what tolerance is about.

However, this implies that tolerance requires us to tolerate even intolerance, which seems to be clearly contradictory, as the adherence to the principle of tolerance would grant intolerant people the right to be intolerant (Mendis n.d.). That is the paradox of tolerance. I will argue that only libertarian political philosophy can solve it in a satisfactory way. Before I do this, I shall describe briefly the doctrine itself.

What is libertarianism?

Libertarianism is a political philosophy that gives top priority to individual liberty and advocates minimizing the role of the state (or even abolishing it, in more radical versions of the doctrine). Its core premise is the so-called nonaggression principle, which asserts that the initiation of aggression (or its threat) against individuals and their property is unjust and should be illegal. It means individuals have a right to do what they want unless they initiate force against someone else or their property:

The libertarian creed rests upon one central axiom: that no man or group of men may aggress against the person or property of anyone else. This may be called the “nonaggression axiom.” “Aggression” is defined as the initiation of the use or threat of physical violence against the person or property of anyone else. Aggression is therefore synonymous with invasion (Rothbard [1973] 2006: 27).

What is crucial here is that libertarianism is a political philosophy, so it is “concerned *solely* with the proper use of force” (Block 1994, emphasis in the original). As such, it refrains from making moral judgments. It does not ask if the particular act (e.g., theft or drug use) violates ethical principles, but analyzes whether it infringes someone’s self-ownership or legally acquired property.

As libertarianism does not point to which values we should pursue (although it endorses non-aggression), is not a comprehensive ethical theory. Instead, it formulates a narrow, limited thesis about the proper use of coercion. Following Fuller’s distinction between the morality of aspiration (i.e., “the morality of the Good Life, of excellence, of the fullest realization of human powers”) and the morality of duty, which “lays down the basic rules without which an ordered society is impossible,” we could say that libertarianism is the latter (Fuller 1969: 5).² That doctrine may be seen as a general framework or basis for specific positive postulates made by individuals. As Den Uyl and Rasmussen (2005) put it, libertarianism is concerned with individual rights which are seen as meta-normative principles, enabling

² Cf. Barnett (1986: 48): “A Liberty Approach, if correct, is a morality of duty. It purports to specify what justice is and how it may best be pursued. It is not an entire ethical system for achieving a good society. Adherents to a Liberty Approach ... believe that to legally require any more than [the basic rules] – to attempt to enforce a morality of aspiration as we would a morality of duty – will ultimately undermine both projects.”

individuals to choose which version of the good life to follow.³ In other words, libertarians, following Locke and other natural-rights theorists, focus on negative liberties and do not formulate any positive rights. In the next section, I will explain why this is so important and how it solves the paradox of tolerance.

Libertarianism and tolerance

The fact that libertarianism is essentially a negative program is seen by some as its main drawback, but it is actually an advantage. This is why that doctrine is very tolerant political philosophy in the world. As Hayek (1998: 109) puts it:

It is often made a reproach to the Great Society and its market order that it lacks an agreed ranking of ends. This, however, is in fact its great merit which makes individual freedom and all its values possible. The Great Society arose through the discovery that men can live together in peace and mutually benefiting each other without agreeing on the particular aims which they severally pursue (Hayek 1998: 110-11).

Actually, libertarianism *is* tolerance. It cannot be otherwise, because its aim is to discover the proper use of force by the state and in interpersonal relationships to maintain a civilized society and to allow people to live peacefully, as they all pursue different ends alongside each other.

The same applies to market exchanges, which can occur because parties value objects differently or have divergent uses for the same things, so they serve the distinct aims of each person. In the free market, individuals often collaborate with people whose views they do not share or do not know, contributing “to the needs of others without caring or even knowing about them” (Hayek: 1998: 109).⁴

Libertarianism does not enumerate the particular kinds of activities it tolerates or does not tolerate, but provides rather a framework of general norms that protect people from one another, enabling them to coexist in harmony. The free market system advocated by libertarians supports individual freedom, thanks to which each person may choose between perceived alternatives and pursue his or her goals without restrictions (other than the nonaggression principle). As Hayek (1998: 109) frames it, “A free society is a pluralistic society without a common hierarchy of particular ends.” It means that the free market, including the free market for ideas and lifestyles, enables people to achieve their different ends, no matter what they are. One person might like going to the opera, while another to adult movie theaters, but in the unhampered market they can realize both these goals without having to make concessions to formulate a common plan (Horwitz 2012).

It must be remembered that we live in a world of scarce resources, so there is always the possibility of conflict over them. In any society, individuals hold different views about many issues (e.g., how the scarce resources should be used, how the society should be organized, or what values are the most important). In case of conflict,

³ I am indebted to an anonymous reviewer of an earlier version of this paper who drew my attention to the book by Den Uyl and Rasmussen (2005).

⁴ Another issue is that it would be practically impossible to tie a modern, complex society together with a common goal instead of foundational rules about the proper use of force and economic relations within these rules.

they can either try to resolve it with violence or to put up with people with whom they disagree. The latter approach, which is based on tolerance (in the context of property rights), is a distinguishing mark of civilization.⁵

Libertarians believe that self-ownership is the property-assignment rule that enhances voluntary cooperation between individuals and minimizes conflicts within society (Kinsella 2009). Indeed, the nonaggression principle ensures that individuals do not use violence when they disagree, since force can be legitimately used only in self-defense – when somebody else initiates aggression (or threatens to do this). It means that individual freedom can be limited only to what constitutes aggression against them and their property – but not to what merely contradicts somebody’s beliefs.

Hence libertarian society is fundamentally tolerant because it refrains from using force to change other people’s beliefs. In such a society, there is no paradox of tolerance, since tolerating intolerance is not a problem for libertarians: it is actually the greatest merit of that doctrine and the whole point of the nonaggression principle, at least as long as the intolerant behavior does not entail aggression against people or their property. As Burke (1790: 119) puts it, discussing the vices of the clergy, “I allow all this, because I am a man who has to deal with men, and who would not, through a violence of toleration, run into the greatest of all intolerance. I must bear with infirmities until they fester into crimes.”

Libertarian tolerance stands, thus, in contrast with totalitarianism, where there is a single hierarchy of ends – that is, citizens have to realize the central plan of authorities. The result is not peaceful cooperation, but “constant fighting over the reins of power in order to achieve one’s ends at the expense of others” (Horwitz 2012).

In the free market system endorsed by libertarians, there is no central planning, understood as direction of the whole economic system according to a unified plan. Instead there is planning by many separate individuals. Thus competition requires tolerance. Although one may justify tolerance from the point of view of natural rights (as I did earlier), Hayek also points out that the classical argument for tolerance relies on recognizing our ignorance. Since the central authority has no necessary knowledge to rationally organize the society, it is a much better idea to “let others seek their happiness in their own fashion” (Hayek [1960] 2011: 528).⁶

This argument can be already found in John Stuart Mill (1869, 34), although he referred not to ignorance, but to fallibility:

for while every one well knows himself to be fallible, few think it necessary to take any precautions against their own fallibility, or admit the supposition that any opinion, of which they feel very certain, may be one of the examples of the error to which they acknowledge themselves to be liable.⁷

Thus for libertarians, the paradox of tolerance is a fallacy resulting from the use of “tolerance” instead of “an opposition to aggression” as the key value necessary to maintain free society. In other words, libertarianism does not focus on tolerance, but makes aggression the boundary between what is and what is not acceptable. Intolerance can be tolerated, but not aggression. There is a limit to tolerance, and the limit is violence, so acts such as murder, theft, or rape should, of course, not be tolerated.

Some examples of the libertarian approach

Libertarianism does not imply that members of a society have to agree with every statement or action, but they cannot use violence to force some beliefs on others. The best examples are the so-called victimless crimes, such as drug use or prostitution. Since these acts involve consenting adults and do not infringe on the rights of others, libertarians opt for their legality, no matter the moral evaluation of them. Libertarians may despise drug addicts or prostitutes, but it does not mean they want to put them in jail.

Another case is immigration. Some people argue for closed borders and/or deportation of so-called illegal immigrants because they do not like or are afraid of them. The argument goes that we cannot tolerate immigrants because they are intolerant themselves, so they are a threat to national security and culture. Libertarians may not like immigrants, but they oppose legal restrictions unless immigrants violate somebody’s rights.⁸

Discrimination (or hate speech) is another example. From time to time, newspapers report discrimination in the marketplace, as, for example, when a conservative business owner refuses to hire a homosexual person or to serve an LGBTQ activist. Such a person may be an intolerant bigot, but from the libertarian point of view, he or she is an owner of a company and thus has a right to refuse to cooperate or interact with any person for any reason.⁹ The tolerant approach toward such people should be a boycott and moral persuasion, but definitely not a call for legal sanctions against them, as there was no act of aggression involved in the refusal to hire or serve a particular person.

These examples indicate that libertarians refrain from imposing their personal preferences on the whole society through the state’s coercive apparatus. This is actually what distinguishes libertarians from conservatives or socialists, as when Hayek ([1960] 2011: 523-24, emphasis added) explains why he is not conservative, but liberal:¹⁰

When I say that the conservative lacks principles, I do not mean to suggest that he lacks moral conviction. The typical conservative is indeed usually a man of very strong moral convictions. What I mean is that he has no political principles which enable him to work with people whose moral values differ from his own for a political order in which both can obey their convictions. It is

⁵ Mises ([1949] 1998) believes that the shift from relations based on violence to relations based on contract is a hallmark of the civilizing process. Similarly, Hayek (1998: 110) argues that the lack of using coercion to agree on particular goals is the basis of Western civilization.

⁶ Hayek (1998: 111), who writes that a lot of socially valuable knowledge is generated as an unintended by-product of pursuing individual goals.

⁷ I am indebted to an anonymous reviewer of an earlier version of this paper who drew my attention to this quote.

⁸ The issue is actually more complex, as immigrants have access to public infrastructure or social benefits and are sometimes forcefully settled in a particular place without the consent of inhabitants. On libertarian theories of immigration, see Krepelka (2010).

⁹ Leaving aside the moral aspects, he or she has also a right to hate speech, since a mere speech is not an act of physical aggression (but it may include threats).

¹⁰ Hayek uses the term “liberal” in the European sense, which essentially corresponds to “libertarian” in the United States.

the recognition of such principles that permits the coexistence of different sets of values that makes it possible to build a peaceful society with a minimum of force. *The acceptance of such principles means that we agree to tolerate much that we dislike.*

There are many values of the conservative which appeal to me more than those of the socialists; yet for a liberal the importance he personally attaches to specific goals is no sufficient justification for forcing others to serve them¹¹.

Hence in contrast to conservatives, libertarians are tolerant of all sorts of lifestyles, whether they endorse them or not. This is because they strictly separate the legal and moral spheres. As Hayek ([1960] 2011: 524) continues:

It is for this reason that to the liberal neither moral nor religious ideals are proper objects of coercion, while both conservatives and socialists recognize no such limits. I sometimes feel that the most conspicuous attribute of liberalism that distinguishes it as much from conservatism as from socialism is the view that moral beliefs concerning matters of conduct which do not directly interfere with the protected sphere of other persons do not justify coercion.

Indeed, both socialists and conservatives, or left and right, use the state and its legislation as a political means of “attaining those ends that it is no longer possible to attain by way of customary bargaining” (Leoni 1991: 140). According to Barnett (1985), the left wants to use the state’s coercive power to impose its concept of justice and of appropriate distribution of income, while the right wishes for power to inflict its definition of morality and of appropriate behavior.¹² In contrast, libertarians do not attempt to use the state to impose their preferences on others, but they argue instead for the minimal state or no state at all, as they consider the state as a coercive monopolist of power, an entity that threatens individual liberty.

Are libertarians thus libertines?

Libertarianism is often equated with libertinism, and libertarians are presented as moral nihilists who do not care about evil. Nothing could be further from the truth. Some libertarians are libertines, for sure. However, libertarians can also be cultural conservatives, leftist activists fighting for free access to abortion and homosexual marriage, or ardent Christians. The point is that libertarianism is a political philosophy. It focuses on the proper use of force in a society and abstracts from moral considerations. It says whether certain acts should be legal, but it does not evaluate their moral aspects. So do economists when they analyze exchanges on the market: they abstain from moral judgments while studying the market for drugs or prostitutes’ services. However, it does not mean they support the drug trade or prostitution. The same applies to libertarians: just because they refuse to imprison drug users, it does not mean they are morally neutral

¹¹ Cf. Hayek ([1960] 2011: 528).

¹² While acts such as drug use or prostitution are mainly criticized by conservatives, the left believes there is intolerable inequality in free market capitalism. Libertarians may (or may not) agree with such a statement, but unless the inequality results from a violation of the nonaggression principle, they do not see a justification for the government’s intervention.

about drug use. Simply put, libertarian and moral analyses are different spheres, and they evaluate individuals’ acts according to distinct standards (Block 1994).

Hence libertarianism is not libertinism, and libertarians do not have to approve of evil. They just oppose the use of force against people who do not initiate aggression, even if they personally detest them and their actions. Actually, voluntary boycotts to reduce the incidence of immoral acts should be considered superior to the state’s interventions, which often lead to unintended consequences and strengthen the evil. For example, drug prohibition does not help drug users to get out of addiction, but may demoralize drug addicts even more by locking them in prison with “true” criminals. The prohibition also spurs crime in the black market for drugs, which spreads throughout society. It is true that a free market society needs both tolerance and criticism. Tolerance, or the libertarian nonaggression principle, is “a necessary, but not a sufficient, condition for a flourishing and civil society” (Ikeda 2016). Although true, people mistakenly believe that only the state can solve their problems and improve society. Hence we suffer from far too much government interference. As Burke ([1765] 2009: 269) points out, “Is, then, no improvement to be brought into society? Undoubtedly; but not by compulsion – but by encouragement – but by countenance, favor, privileges, which are powerful, and are lawful instruments. The coercive authority of the state is limited to what is necessary for its existence.”

This is why we should not take apparent shortcuts and change society top-down through the state’s coercion, but rely more on the bottom-up approach and moral persuasion through voluntary institutions such as family, religious organizations, charities, social clubs, private companies, and so on. A world without alcoholism, drug addiction, or prostitution would be far better, for sure. But the aim should be to peacefully persuade people to change their destructive behavior, not to introduce legal sanctions against such acts, since they cannot change the nature of man. All social experiments aimed at creating utopia failed and culminated in chaos. Moral improvement requires conscious, voluntary decisions. It cannot be achieved by simply forbidding immoral acts. Forced abstinence from alcohol or drugs is not an act of virtue, but merely obedience. Moreover, people have different opinions on what is moral or not, and what the ideal society should look like. The top-down approach means less competition of ideas and less exposure to alternative viewpoints. Without them, criticism disappears, which may lead to collectivism (Ikeda 2016).

Another issue is that attempts to change society through legislation lead to the expansion of the state, which weakens the authority of social groups and may endanger individual liberty. Nationwide, central rule generates more conflicts in society, as there is now only one permitted way of life instead of pluralism and compromise¹³.

¹³ The so-called blue laws may be a perfect example of such central rules. Another interesting, though much more controversial, example is the issue of abortion. See Nisbet (1982: 4) who writes: “Abortion existed in a kind of twilight zone until 1973 when the Supreme Court thrust itself and the authority of the central government into abortion.... In that decision [*Roe v. Wade*] the Court summarily wiped out the laws, mores, and customs of fifty states by declaring abortion to be constitutional and legal throughout the nation. At a stroke, abortion was lifted from the twilight zone of pluralism, compromise, and conflicting dogma in which it had lain for millennia and was made the subject of centralized national mandate.”

On the other hand, the free market fosters tolerance, as the market process helps to internalize sympathy for different people and creates economic incentives for nondiscrimination and openness to others:

Market processes imply interaction and exchange with people different from oneself, which, under equal and predictable institutions, can lead to a realization that differences need not pose a threat and to increased understanding; they also make intolerance come at a cost, in that rejection of groups of people for other reasons than low productivity lowers profits for firms and the well-being of consumers (Berggren and Nilsson 2012: 5).

Conclusions

The apparent problem with tolerance is that we might have too much of it, as genuine tolerance should involve being tolerant of intolerance. Libertarianism solves this paradox by focusing on physical aggression – a specific action – instead of intolerance, which is rather an intellectual attitude.

In other words, the key to the paradox of tolerance is not whether people are tolerant or not, but what means they use when behaving intolerantly. Libertarians do not have to be willing to tolerate anything, but only anything peaceful. The laissez-faire approach enables people to pursue their own goals, even if they do not agree with each other.

Such a “means-connected” society requires individuals to tolerate other people’s ends, even if they consider them as morally repugnant. This is why libertarians are sometimes seen as libertine nihilists willing to agree on the greatest evil if only it does not violate the non-aggression principle (an example may be young people who prostitute themselves to earn money for drugs).

However, libertarian tolerance for such immoral acts does not mean passive consent to evil. On the contrary, libertarians actively endorse life, liberty, and property rights. They also decry vices that give birth to immoral acts and support voluntary aid from private foundations, churches, families, and associations to strayed souls. They only oppose the role of government in the fight against evil, as it may only aggravate problems or entail some unintended negative consequences. The state’s enforced, and not freely chosen, morality is not morality at all. Freedom is a prerequisite of debate, criticism, and moral decisions. Only free people with free will may choose good over evil.

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