

# The Libertarian Idea

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## PREFACE, 2001

This reissue of *The Libertarian Idea*, previously published by Temple University Press, is without changes, other than the comparatively few typographical errors in that first printing. But Broadview Press has kindly given me the opportunity to say a bit about the book in retrospect, and I am very happy to take up their invitation to do so.

In my preface to the original edition (included in this one) I asked the question, “How many people have been killed because of Marx’s ringing slogans ... which a closer look reveals to be a logical mess?” Since I wrote those words, the answer has come out, in *The Black Book of Communism*: getting on for a hundred million. That does not count the many, many times that number whose lives were (and are) shorter and worse for the same reason. The issues my book is about are important, and that recent work shows just how important they are. But, as also indicated, in the Prologue to this book, the stakes are quite different these days, for the most part. People are slowly providing, day by day, material for *The Grey Book of Allegedly Liberal Democracy*, in which the figures won’t concern the number shot in cellars or dying of cold, starvation, and the like in concentration camps, but rather, about people imprisoned for no good reason, taxed for any number of reasons, almost none of which make any real sense, and just generally required to do all sorts of things that they’d rather not have done, and the doing of which would have caused no discernible hurt to anyone.

Contemporary philosophers have, or so they think, precious little influence. But the example of Marx shows that it may not be so. Perhaps John Rawls will, in his much more benign way, come to have as much influence as Marx; indeed, in the past few decades he has probably had a good deal more. *The Libertarian Idea* devotes less space than the topic deserves to the incoherences of the prevailing mix of moral and political ideas of our time — ideas that are, I think, exerting an influence that will also leave hundreds of millions of people worse off than they might have been, as the new century and the new millennium unroll before us. Still, I continue to think that even where his mistakes are not exposed by name, *The Libertarian Idea* helps us to see that they are such.

What would I do differently if I were to write it over again? Doubtless that is hard to say, beyond recalling what Thomas Carlyle said to John Stuart Mill upon learning that Mill’s maid had, inadvertently, fed the first manuscript of



*The French Revolution* to the stove: “It might be better or it might be worse, but we may be sure it won’t be the same!” But I would say that, first, I think we can improve on the accounts of imposition and coercion that are so central to the libertarian idea. I do think I was on the right track, but I do not think I achieved the level of clarity on the matter that one might hope. (Here again I can refer the reader to some new writings by others, notably Jan Lester’s *Escape from Leviathan*,<sup>1</sup> in which he proposes to analyze liberty as “the absence of imposed cost”. That strikes me as very much on track; equivalent, perhaps, to what I was trying to say in *The Libertarian Idea*, but better said.)

I would hope also that I could improve, a bit, on my account of the Social Contract as the foundation of morals, and could show more awareness of the very large claim that is made by supposing that the Prisoner’s Dilemma is the paradigmatic strategic situation to which morals addresses itself. I still think it is, indeed; but Peter Danielson,<sup>2</sup> among others, persuades me that life is not as simple on that front as I made it out to be.

Moving to the practical front, there is one matter on which I have been decidedly contrite ever since the initial printing: my ringing defense of the possible acceptability of Canada’s socialized medical system. The argument I provide is, to be sure, iffy, but I think I was considerably too reticent about the “ifs” and not nearly careful enough to avoid what must seem an outright vote of approval for that system. It is, I think, quite clear by now that socialized medicine remains, in a word, inexcusable, in my adopted country as well as the other many countries that have limped down that route.

To be sure, the situation illustrates the maddening difficulty of finding clear comparisons, for the United States, which is widely pointed to as the standard bearer of private medicine among contemporary commentators, is so very far from being one such that, we are told, it actually spends more money per capita on medicine than Canada does. In short, politicians cannot leave health care alone, and this makes it difficult to produce the facts and figures regarding places that do that — there simply aren’t any to be found.

Among the fascinating questions that tend to be asked among adherents of so radical a practical philosophy as libertarianism is what a libertarian ought to do in the presence of non-libertarian institutions. In Canada and most countries today, the only way to avoid dealing with the government is to be dead, and it is doubtful that that would work anyway. There simply is no

way to avoid today's state, and we must perforce confine ourselves to theory, and to such efforts at attempting to sway the creaking machinery of democracy at least somewhat in the direction that libertarians would like to see it go as we may be able to manage, given time, energy, and a life to live.

Indeed, people do manage to live lives no matter what their political system, with the hundred million or so exceptions noted above. This does enormous credit to ordinary people, a category of organisms for whom I have come to have increasing respect as the years go by. If ordinary people weren't pretty wonderful, libertarianism would be pointless and impossible — as indeed would every political and moral philosophy. This book is respectfully dedicated to all those people.

#### Notes

1. Jan Lester, *Escape from Leviathan* (Basingstoke, UK: Macmillan, 2000; New York: St. Martin's, 2000).
2. Peter Danielson, "The Rights of Chickens: Rational Foundations for Libertarianism?" in J. T. Sanders and Jan Narveson, eds., *For and Against the State* (Lanham, Maryland: Rowman and Littlefield, 19%).

## PREFACE

The moral and political outlook holding that individual liberty is the only proper concern of coercive social institutions, which has lately become known as libertarianism, is or at least certainly seems, in principle, a very pure and therefore extreme view. It also has a certain appeal, to many of us at least—it lends itself to ringing proclamations and slogans such as animated many of the fathers of the American Revolution and are to be found in the political rhetoric of the day, especially but not exclusively in the United States. Ideas that are both extreme and appealing are always interesting to the theorist, who wishes to see what makes them tick, and indeed how loudly they tick. That is the motivation of the present study.

Libertarianism has a fairly long history, going back over 150 years in the United States, and with antecedents in the writings of John Locke (1632-1704) at least, and some of the anarchists such as William Godwin (1756-1836). But it has recently come to the attention of mainline professional philosophers in the English-speaking world because of the work of the Harvard philosopher Robert Nozick, notably his remarkable and much remarked-on book *Anarchy, State, and Utopia*.<sup>1</sup> The origin of the present study, indeed, was my writing of a critical notice of Nozick's book.<sup>2</sup> I had previously been a convinced utilitarian (summed up in my *Morality and Utility*<sup>3</sup>); but the work of David Gauthier in particular (now come to fruition in his great work, *Morals by Agreement*<sup>4</sup>), as well as Nozick's, persuaded me that utilitarianism was an unsatisfactory theory. Still, libertarianism seemed equally so at the time. In the ensuing decade, however, the libertarian theory has come to seem to me more interesting and plausible in its moral substance.

But it seemed also to be in an important sense unfounded. At any rate, its defenders generally appealed, as did Nozick, to what professional philosophers call "intuition"—the philosopher's word for seat-of-the-pants judgments, that is, judgments lacking a basis in explicit theory and resting simply on whatever immediate appeal they may have. Appeal to intuition has never struck me as philosophically acceptable in moral philosophy, however much it may in some other areas such as the philosophy of pure logic. In addressing myself to the question whether libertarianism might actually have some kind of respectable foundations, I am biting off a considerable hunk of this philosophical carrot; whether it is more than I, or

perhaps anyone, can chew remains to be seen. But the theory is too interesting to be left to lie in the unruly embraces of intuition.

In this book I present, in a largely sympathetic light, what I take to be the essentials of the libertarian theory, and inquire how far it might issue from a more satisfactory view of the foundations of moral theory, namely—in my judgment, at any rate—approximately the version of the contractarian theory developed by Gauthier. The “what I take to be” is important. The reader will not find here a systematic delving into the works of the many libertarian writers, though that could be done with interest. The formulations found here are mine, and if any resemblance to the ideas of genuine libertarians is not wholly coincidental, they are at any rate not guaranteed to coincide with those of any other writer on the subject.

My verdict is that libertarianism emerges, if not entirely unscathed, yet interestingly close to intact. However, I also take up the vexed question of what follows: does libertarianism have the rather extreme implications normally attributed to it? Does it, for example, show that the State is unjustifiable, that such currently popular programs as those of the modern Welfare State are unacceptable violations of basic human rights, and so on? I am inclined to think that its implications for such things may well be considerably less radical than often supposed. “May well”, again, is important. As I try to illustrate, factual considerations are inevitably relevant to these questions, and enthusiasts who wish to push on regardless will not long have an audience among those not already ideologically partial. Nevertheless, libertarianism remains a radical theory; certainly a good deal of present-day political practice would have to be drastically revamped if libertarianism were adopted. I am inclined to think this would be largely change for the better. But the point of this book is more nearly to examine than to advocate. If at times it seems adversarial or even promotional, the intent is to get people to think, rather than to rush out and overturn the existing order (which in any case is not easily overturned—and to their credit, few if any libertarians favor overturn by force, even if that were a possibility).

The book is divided into three fairly equal parts. Part One is devoted to exposition, and in particular to a defense of the *coherence* of libertarian theory. Although any theory must be coherent if it is to be acceptable, the coherence problem for libertarianism is a particularly tricky one. It is not to be overlooked, after all, that many writers on what is presently termed “the

Left” defend their versions of socialism and allied theories by an appeal to liberty. I shall examine some of what seem to be the basic ideas behind this work in the course of my reconstruction, making as clear as possible why it seems to me that these efforts are misguided. But there are efforts and efforts, of course. The river of socialism is one into which you cannot step twice; to try to keep up with that flow is to preclude any other appreciable scholarly activity. And in fact, socialist theory on its own account gets extremely short shrift in these pages. Giving it the sort of attention that might possibly dislodge the dotting socialist from his or her theoretical pipe dreams is not a task to be accomplished in a few pages— even as brilliant and incisive a few pages as Nozick devotes to it in the aforementioned work. But I do hope to have added a little to the case against claiming seriously that what socialists can plausibly defend socialism in the name of is *liberty*.

In Part Two, I consider the question of foundations: why, if at all, should we accept this theory? Especially because of the formidable example of Nozick, I go to some length to explain why intuition should be roundly rejected as a possible foundation of this (or any) view, and why the contractarian approach should instead be employed—and, of course, what I understand to be involved in that approach. Here my mentor is Gauthier, plus or minus a few important details—though again, the reader (and possibly Gauthier!) must hold me and not Gauthier responsible for any shortcomings. I then ask, after a few brief words about utilitarianism, whether contractarianism would lead to libertarianism, concluding that there is a plausible case for the assessment that it would come, at any rate, fairly close.

But the matter is not likely to be settled with a simple and elegant argument—a fact of importance in itself, for any ringing slogans, tending to put argument at rest, will perhaps ring rather less bravely once the real problems in the way of acceptance assert themselves.

The tendency to rush to the barricades under the impetus of ringing slogans is one that has its appeal, to be sure. But it should *bother* people that the slogans may rest on a quagmire of fallacies and confusions. How many people have been killed because of Marx’s ringing slogans, which he supposed had the imprimatur of an advanced social science, but which a closer look reveals to be a logical mess? Doesn’t that *matter*? (It is beginning to do so, in the sober aftermath of botched economies—which now seem to be having more influence than the disgraceful record of

rewritten history, mass murder, and the rest of it. But not to enough people, or soon enough.)

In Part Three the question considered is what (if anything) libertarianism really tells us about concrete political and social issues. Here I consider certain of the main features of present-day “advanced” societies such as ours in the light—if light it should prove to be—of the libertarian theory. Among the main areas are crime, pollution, medicare programs and the like, education, pornography, and antidiscrimination legislation. Libertarianism has been virtually defined in terms of the rejection of the legitimacy of almost all of these things, and perhaps, for that matter, of the State itself. It is, as I shall explain, not so clear that all of those remarkable implications really do flow from the libertarian hypothesis. High-level moral theories do not yield concrete implications in complex real-life situations nearly so readily as that. On the other hand, we must be aware of the dangers of death by a thousand qualifications. Libertarianism does not look like a bland theory, and if our messy and bland society should end up being fully consistent with it, that is *prima facie* evidence that something has gone wrong in our exposition.

The general conclusion of this book, then, is that we shouldn’t head for the barricades tomorrow. But it is not, as will be seen, entirely passive. In the sober (I hope) prose of philosophical analysis, this study may nevertheless give a certain guidance for action, some of it perhaps being at least slightly out of the ordinary. That would be more gratifying to this author than any number of mindless revolutions.

#### Notes

1. Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974).
2. *Dialogue* 16, no. 2 (1977): 298-327; but work on it began over Christmas, 1974.
3. Jan Narveson, *Morality and Utility* (Baltimore, Md.: Johns Hopkins University Press, 1967).
4. David Gauthier, *Morals by Agreement* (New York: Oxford University Press, 1986).

## **PROLOGUE: The Knock at the Door**

It is 3:00 a.m. There is a knock at the door. A fairly stout knock at first, and then quite deafening. You hastily get into your housecoat and make your way downstairs, with considerable trepidation. It is the police, and they are here to haul you down to the jail. They have guns and are disposed, if need be, to use them.

Why are they after you? Maybe any of the following: Because you inhaled a substance that made you feel good. Because you didn't send your daughter to the right school. Because you have the wrong religious beliefs. Because you didn't help support the building of a particular super-expensive weapon to protect you from people you don't think you need any protecting from, besides which you think that weapon will only increase the likelihood that you may *really* need to be protected from them later. Because you engineered a business deal leaving you in control of 90 percent of some industry. Because someone thinks that certain things are right which you think are wrong. Because some very powerful person doesn't know anything about statistics. Because someone has different tastes in opera than you do. Because you make more money than most people and don't want to give it to others who have less. Because you failed to install a safety device that in your judgment was wholly unnecessary. Because ....

The scene should be from some crazy nightmare, but it is not. All of those reasons and more have occasioned the Knock at the Door, and continue to do so in various parts of the globe, at various times. In these more civilized parts of the world, the knock at the door doesn't usually come at 3:00 a.m.; it's more likely to come at 3:00 p.m., and the police might not even be armed. If it's the tax collectors, they might not even be interested in hauling you off to jail. Instead, they'll merely haul off your car, your house, your collection of oil paintings, or anything else you thought was yours that they can get their hands on.

Shift the focus quite a bit, and we have a rather different specter, one that many will view as quite benign. This is the specter of the People in Uniform—or more likely, in fact, just in ordinary business suits—insisting that you fill out forms, make trips to see officials, and in general institute procedures that quintuple the time it takes to perform what seemed to you wholly routine and mundane activities.

These people have *poiver* over us. They have the police at their bidding, and the rest of it—the cumbersome machinery of the Law, the Legislature, the Executive. And they don't like back-talk. If you exclaim in protest, they will add another couple of hours to the toll of your time devoted to interests in which you have no interest, another couple of hundred dollars to the bill for doing things you see no point in doing. Including, of course, paying the salaries of these very officials.

People are in the habit, nowadays, of supposing that arbitrary tyranny, at least in the decent, enlightened places in the world such as you and I have been fortunate enough to live our entire lives in, is a thing of the past. After all, government is now generally understood to be a servant of The People, is it not? Don't we have the vote? Can we reasonably expect any more?

Democracy has certainly supplanted the one or a dozen or a few hundred arbitrary tyrants of the monarchies, oligarchies, aristocracies—the ancien regime, the Communist Party of the Soviet Union, and so on. But how much better off are we if those tyrants are replaced by millions of tyrants, pettier but probably no more virtuous, on average, than the monsters of times past or places distant? Arbitrary despotism is not limited to those remote awful examples: it is a property quite capable of being exemplified by The Common Man (whose hitherto near monopoly on them is now strongly challenged as well by The Uncommon Woman). Indeed, it may well be at fullest tide when people are trying to protect you, as they so often are when they find themselves with the Reins of Power in their hands. The style, of course, is different. The classical tyrant can send you off to the dungeons or to the block; The People, on the other hand, will probably send you to . . . the Office! And there shalt thou fill out forms, wait in line, and be told that you are in the wrong office and the right one won't be open 'til Wednesday, during hours when you had hoped to be getting something done or at least spending your life in some pleasanter fashion.

Actually, there is a certain recognition that a majority vote of your fellows maybe isn't *quite* enough to justify the Knock on the Door. Democratic theory, it is admitted, has to do better than that. There are things people can do to you which they ought not, no matter how many people would approve of it if they did. Thus the written constitutions of modern democratic states often have bills of rights appended, and in those that don't, it is nevertheless understood that people are not to be treated in certain ways. There is a modest threat of paradox here: for constitutions are understood to become



law by virtue of procedures tantamount to plebiscites, and if the laws in question are attempts to provide people with rights that even large majorities are not to override, what is to keep another plebiscite from being held the day after tomorrow, revoking all those nice protections? Thus may these constraints in democratic constitutions be attempts to do the impossible. Yet they have effect, and—undoubtedly more important—they give a sense of direction to the mind of the citizen. Whatever the niceties and fine print, we feel that there are important principles involved in these proclamations, the general purport of which may perhaps be well summarized in a motto making its rounds a few years back: “*Illegitimi non carborandum!*” (Don’t let the bastards wear you down!). Can this be made a slogan for a new revolution: the antibureaucratic revolution? The revolution that says, “Get off my back!”?

This is merely a philosophical inquiry. It is the business of philosophers to formulate and to subject to disciplined criticism proposed formulations of the general principles underlying the major subject matters of thought. The rallying cry of individual liberty has not lacked standard-bearers over the years. Most interesting among them, because most serious and thorough about their attention to principles, have been the libertarians of recent times. Most notable among professional philosophers has been Robert Nozick in his brilliant work, *Anarchy, State, and Utopia*—a work of which it may certainly be said, as Kant said of Hume’s *Treatise*, that it woke a number of us from our dogmatic slumbers. The only trouble is that it threatened to replace one dogma with another: to expound, however inimitably and unforgettably, a “Libertarianism Without Foundations”, as one critic has put it.

It was almost universally thought by philosophers until fairly recently that philosophy was not supposed to get mixed up in concrete issues. That view is largely obsolete by now—indeed, the pendulum may have swung rather too far in the other direction. Few meetings of the American Philosophical Association are without their share of political resolutions, and an uncomfortable number of the papers presented at them sound rather too much like sermons. Reality, however, is *there*, and it must be a rather irresponsible, not to say unrecognizable, moral philosophy that can seriously intend to have no bearing on it. In the ensuing chapters I hope to have struck a reasonable balance between what may seem excessively high theory and an unseemly immersion in empirical matters requiring expertise I do not possess. Here are required the knowledge of the economist, the skills of the

statistician, the experience of the city planner, and the rest. (Is what has been “struck” a balance, or is it instead an unsteady teetering from one to the other? The reader shall judge.)

Let us begin.

# CHAPTER 1: Liberalism, Conservatism, Libertarianism

## A Preliminary Definition

At the outset let us say that “Libertarianism”, as the term is used in current moral and political philosophy (as distinct from a view about freedom of the will), is the doctrine that the only relevant consideration in political matters is individual liberty: that there is a delimitable sphere of action for each person, the person’s “rightful liberty,” such that one may be forced to do or refrain from what one wants to do only if what one would do or not do would violate, or at least infringe, the rightful liberty of some other person(s). No other reasons for compelling people are allowable: other actions touching on the life of that individual require his or her consent. In the course of this study the idea will get some refinement. But it is always refinement of that idea, rather than some hybrid or evolutionary version.

Although stated at a very general and abstract level, what is thus defined is nevertheless intended to be a substantive moral and political theory, not an exercise in definition or pure conceptual analysis. A great deal of such analysis is, as will be seen in the ensuing pages, necessary before we can claim a decent understanding of this theory and thus be in position to assess its credentials. Is it the true theory of this matter or not? That question will be asked, and tentatively answered, much later in this book. Meanwhile, we turn to the task of giving the theory a reasonably satisfactory and thorough exposition.

## Liberal/Conservative

Libertarianism is one kind of liberalism. It is interesting that it is often thought of as a kind of conservatism, as when libertarian defenders of private property are contemptuously referred to as “rightwing” by leftish writers, as though to defend private property in the name of liberty were exactly on all fours with defending genuinely right-wing military dictatorships. The assimilation in question might be understandable in journalists or cracker-barrel pundits, but to find professional philosophers doing so is inexcusable. However, let us admit that the usage of these terms has not been uniform of late. Some attention to definition is needed.

I shall follow the lead of Ronald Dworkin in identifying *liberalism* with the view that “political decisions must be, so far as is possible, independent of

any particular conception of the good life, or of what gives value to life.”<sup>1</sup> Thus, the goods recognized by a political and moral order may only be the goods of the members of that order, marshaled in some fair way behind public institutions. Appeals to a supposed “absolute” good, standing over and above every individual and over which no individual has any choice or authority, or over which only an elite class has such choice or authority, are ruled out. Thus the liberal must justify principles, policies, and institutions, to any person affected by them, by showing that person they are for his or her good *as seen by that person*; or at any rate, that only the goods of other persons as seen by those other persons can be appealed to in argument purporting to justify those policies, together with some sufficient reason, as seen by that person, for permitting his or her interests to be outweighed for that purpose by those of the others. In this sense (and only this sense), we may accept Dworkin’s dictum that for the liberal, everyone counts and, moreover, counts, in some sense needing to be further explained, equally. The alleged goods of unanalyzed groups, for instance, or of the universe at large, will not do, any more than the whims or even the earnest ideological proclivities of some privileged class.

David Gauthier does not use the term ‘liberal’ in this context, but he presents what we may regard as an excellent statement of the idea nevertheless: “In saying that an essentially just society is neutral with respect to the aims of its members, we deny that justice is linked to any substantive conceptions of what is good, either for the individual or for society. A just society has no aim beyond those given in the preferences of its members.”<sup>2</sup>

A *conservative* view, by contrast, does invoke precisely such a conception, insisting that the individual must sacrifice his or her own interests to this august purpose. Alternatively, the conservative will have it that the individual’s own interests really are quite other than the individual in question thinks they are, irrespective of inclination or belief to the contrary, adding that policy is to be guided by his “real” or “true” interests, rather than by the shallow conception of those interests held by the individual concerned. On the liberal view, by contrast, every individual has a realm over which he or she is the absolute monarch.

Dworkin’s usage departs from a frequent employment of these expressions in which they refer to the relation of the view or policy in question to current practice: if it departs substantially, it is said to be “liberal”; if it purports to uphold that practice, or perhaps its underlying principles, then it is

“conservative”. Conservatives, in this usage, are opposed to change, whereas liberals are in favor of change. Plainly, that can’t be all there is to it in any case, for we would want, usually, to distinguish between “progressive” changes and “reactionary” changes—changes “forward” verses changes “backward”. This requires that in addition to the idea signifying change or the lack of it, some further idea is intended. Moreover, this usage becomes confusing when the society in question is, for example, a liberal society and has been for a long time—such as the United States, which may reasonably be thought of as the world’s oldest liberal society. What does a conservative in this sense advocate in America? Or in the Soviet Union—which some seem to want to classify as liberal in some sense, though only, I suppose, because it is on the “left”. The point is that this sense of the terms doesn’t correlate with anything of conceptual interest. We want to know, not whether to support the status quo or not, but *why* we should or should not do so. Nobody, I hope, thinks that any and all change is *necessarily* for the better, nor again that it is necessarily for the worse. Some may, however, think that we owe a duty of loyalty to our roots, our origins, the society that reared us, and so forth; and if they also think that this is our supreme duty, or that because of this we have no rights against the state, then we indeed have a form of conservatism in the sense here discussed. It is typical for conservatives in this sense, however, to be opposed to changes within their society that clearly have a wide social base of support. They have to think, then, that the “society” or “state” to which our fundamental allegiance is owed may not be simply identical with the one we happen to live in.

The two have this in common, though: both hold that there is an entity we must respect simply because it is the locus, as it were, of ultimate authority. But whereas conservatives identify this locus with the State or the larger society or the like, liberals identify it with the individual person, as he or she may be, here and now. Or at least with the person insofar as rationally accessible to others: my reasonable concern with you cannot follow you all the way into the possibly incomprehensible, hidden recesses of your soul. But it can, I believe, follow you far enough so that the rest of your soul can meditate in peace.

Why be a liberal? That is an important and profound issue, which we will in effect be grappling with in Part Two of this book. Is it possible, really, to be a liberal? That will be part of our concern in Part One and now. Liberalism requires a certain impartiality, as Thomas Nagel has pointed out in a superb recent essay, “Moral Conflict and Political Legitimacy”.<sup>3</sup> It says that only

individuals' values count, and it says that none of them count, as such, for more than any others'. The poorest beggar has rights that the richest and most powerful must respect, and the intellectual nonentity has ideas that, however lacking in any shred of rational merit, he is nevertheless entitled to hold, even when those ideas are flatly inconsistent with one's own obviously superior ones. This raises the question whether one can be sincerely liberal. Must a liberal deny the truth of liberalism when dealing with someone of a different political hue? This is an important question, to which the answer is happily in the negative, once we see what is involved. The liberal need not deny the truth of liberalism in that or any context: but her liberalism requires her to move over and accommodate the conservative and the radical nevertheless—not because their views are true, nor even because they are “just as true as one's own” (they aren't, after all); but rather, because the conservative and the radical are entitled to hold them; their right to hold their views is to be respected just because the views are *theirs*. Further implicit attachment to and explicit articulation of this outlook will be found throughout these pages. But the reader is referred to Nagel's brilliant essay for an insightful account of the issue in its own right.

### **Left, Center, Right**

This is a good place to enter an initial complaint about the use of the terms ‘left’, ‘right’, and ‘center’ in current political discussions. The usage implies that there is a single spectrum along which any particular packet of political views may be located. Are you in favor of free trade and against high import duties? This, apparently, puts you on the “right”. Are you in favor of extending the franchise in South Africa to black persons? Ah! You are on the “left”! And if you favor both, then what? What if you disapprove of socialism (that puts you on the “right”) but also disapprove of dictatorships (which puts you on the “left”—unless the dictatorships in question happen to be Marxist, in which case, somehow, your disapproval now puts you back with the “right”)? Plainly, this usage is futile.

### **Liberal Individualism as One Kind of Conservatism**

The political premises of liberal individualism are often characterized as being very remote from actual life: the individual is supposed, according to these caricatures, to spring full-blown from the womb, complete with a priori political theory and sans any allegiance or even any attachment to his community. The reality of political theory, however, is, according to this

criticism, to be found in real communities, where loyalties and attachments form a strong bond between every individual and every other one, and abstract rights have little sway. Political theory, according to this critique, stems from the life of the community and cannot be detached therefrom. And the morality issuing from these reflections will be “My Station and its Duties” (the slogan comes from the title of F. H. Bradley’s celebrated essay) rather than any kind of abstract commitment to universal reason.

It is not entirely clear what the thread of argument is in this view, but if I understand it aright, there is at least a threat of fallacy. For the output of this reasoning is supposed to be support for conservatism— *support* for the policies and institutions that actually prevail in whatever society is in question. The snag is, however, that in many communities we have mavericks, people who topple the idols and stick their tongues out at some of the local institutions. Yet if the claims made by these thinkers were right, we shouldn’t expect this to happen. If the community has such strong appeal, if its bonds are so efficacious, how did these misfits come to be engendered in it? And how much of a reply to them is it if one merely cites the existing ways as if they were unquestionable? To those who have questioned and are still questioning them, the “argument” that they are what they are will not cut much ice.

But we should agree with one facet of this kind of view: there is indeed such a thing as a community ethos, a moral outlook, that has its hold on the members of the tribe in question and informs many of their attitudes. It is not beyond question and can be founded on thin air or prejudice—or it can be founded on solid considerations that will endear the community to the more thoughtful among its members as well as to the intellectual *hoi polloi*. However, the characterization in question doesn’t tell us what the content of the community’s ethos may be. That is a variable in the analysis. And once we realize that, we can raise the possibility that the community outlook might itself be liberal. Liberalism, and even libertarianism, could be the conservatism of community X. What that community rams down the throats of its members from infancy onward could be the universal right of everyone to the maximum freedom compatible with a like freedom for all. Nothing in the premises of this criticism preclude this, once one sees what is going on. And we may therefore proceed in our analysis. If libertarianism turns out to be a viable and coherent theory, then it could also become the dogma of the community—in the sense of ‘dogma’, however, that is compatible with the doctrine so called being rationally supportable rather than a *mere* dogma.

And indeed, it is not going too far to suggest that there are at least appreciable elements of this theory woven into the fabric of Western society even now. One does not have to wander far in the streets of Toronto or New York to appreciate that the native proclivities of Canadians and Americans are rather far removed from those of the individuals one is likely to encounter on the streets of Moscow. This could be due, no doubt, in part to the past theorizing of the Lockes and the Jeffersons who formulated their intellectual heritage, just as the attitudes of the Muscovites have likely been shaped by their heritage of Marx and Lenin. But then, that is testimony to the power of intellectual theorizing, given time and the right readers. On one reading of the communitarian critique, such stuff should have no influence whatever. The facts, I think, do not bear out such a verdict. And given that they do not, it clearly behooves us to continue doing political theory and, let us hope, to do it well.

#### Notes

1. Ronald Dworkin, "Liberalism," in Stuart Hampshire, ed., *Public and Private Morality* (Cambridge: Cambridge University Press, 1978), p. 127.
2. David Gauthier, *Morals by Agreement* (New York: Oxford University Press, 1986), p. 341.
3. Thomas Nagel, "Moral Conflict and Political Legitimacy," *Philosophy and Public Affairs* 16, no. 3 (Summer 1987): 215-240.