**Review Essay: Whence This Libertarian View of Life?**

Book reviewed: Craig Duncan and Tibor R. Machan, “Libertarianism: For and Against.” Rowman & Littlefield, 2005. 167 pages.

The book under review is a lively exchange about the merits of libertarian political philosophy between one of its leading exponents, Tibor Machan and one of its critics, Craig Duncan. Each participant provides an original defense of his political philosophy, then reads the other person’s paper and critiques it; then each rebuts the other’s critique. This makes the book a model of balance and clarity. It is also a model of civility: the debaters actually address each other in a reasoned and intellectually honest manner.

Its most important virtue, however, is its clear presentation of a host of basic issues that divide libertarians from modern liberals. The multitude and importance of these issues justifies a detailed consideration of the authors’ arguments.

Machan starts off the exchange by enunciating his view of libertarianism, which he equates with classical liberalism and finds embodied in the American Declaration of Independence. It is a philosophy of minimal government, in distinction to the governments of monarchist, socialist, fascist, and welfare states. He characterizes such states as “top-down” hierarchies seeking to impose their own goals on the citizens, as opposed to the “bottom-up” approach of genuine classically liberal states, in which the only goal of government is to enact laws the people desire; government is the employee of the people.

This view of government stresses the fundamental rights of the Declaration: life, liberty, and the pursuit of happiness (really, just property in Lockean terms). This leads Machan to the Harm Principle: “everyone is authorized to carry on his or her chosen activities and pursue his or her objectives, if doing so does not violate others’ rights” (5). Government is restricted to guarding those rights. This is the ideal of civil society: no conquest, oppression, or other coercive means are to be inflicted upon others. The distinction Machan draws is the standard libertarian one between “force” (which can be legitimate if applied to defend citizen rights) and “coercion” (which is, by definition, illegitimate force used to further state goals).

But Machan argues that the rights so important in this view of legitimate political governance do *not* give the notion of “rights” a fundamental priority in political theory. Instead, he views them as “derived from the requirements of the ethics of individuals flourishing within the context of human communities” (8). Here, the libertarian vision is that of a society in which people take care of themselves, forming and using voluntary mediating structures such as families, churches, social clubs, and companies. The government acts as a referee to ensure basic rights by using the courts, police and military.

Nevertheless, Machan rejects a consequentialist approach to grounding libertarianism, one that regards libertarianism as moral because in a state of maximum (negative) liberty, people are going to make the best choices and the best social consequences will result. His libertarianism is based on respect for human choice, which can be and often is self-destructive. His libertarians reject vice laws, not because they like vice, but because they respect choice—a point one wishes libertarians would make more often.

To the charge that libertarianism involves an atomistic individualism that views human beings as isolated and self-sufficient, Machan replies that it need not do so. He notes that you *can* found individualism on a naturalist view of humans as a species of social animals with rationality as a central attribute, or you can found it on a Christian view that each person is a unique child of God, possessed of innate rights (17). In any event, he argues, individualism accounts for the superiority of free markets over controlled (statist) economic systems.

He draws some libertarian policy implications: government shouldn’t regulate business or private conduct unless it demonstrably violates (or threatens to violate) individual rights; granting people “positive rights” (such as the right to health care) violates the real rights (“negative rights”) of others and ought to be opposed; redistributionist schemes by government are inherently morally wrong (essentially enslaving some people to benefit others); government affirmative action is also morally wrong; and government should not punish people for using drugs (absent harm to others). Along the way, ironically, he marshals a large number of consequentialist arguments for these policy prescriptions: affirmative action programs increase racial tension and fail to help the very people targeted for help; the war on drugs has increased organized crime while not helping those with drug problems; and so on.

Duncan begins by noting that he also bases his political philosophy on “respect for human beings’ distinctive capacity for choice.” (45). He puts forward four basic (and common) objections to libertarianism. The first, which he calls the “unanchored property” objection, is that in reality what a person receives from any market transaction is not just the product of his or her own efforts but is highly dependent upon a governmental structure of supporting institutions and activities (police and court systems, banking insurance, monopoly prevention, government currency, transportation infrastructure, et cetera). All of these morally obligate people to pay for them in taxes.

For Duncan, taxation is not a kind of theft but a cost of doing business. He does think that some kinds of taxation systems can be unfair (too heavy on high-income earners, or too light on them), and we need to be guided by a principle of reciprocity: “there should be at least some rough balance between the benefits one gains and the burdens one shoulders in contributing to society.” (47-48). But he gives no specifics about how that rough balance is to be calculated, or who will do the calculation. So what is rightfully yours is what the government leaves you after taxes. Also—an aspect of this critique that Duncan mentions but doesn’t explore—to talk about keeping what’s yours overlooks the dicey origins of property: “your” farm may be the land that was originally stolen from some native tribe by colonists centuries ago.

Duncan’s second objection, which he calls the “inadequate defense of liberty” objection, is that minimal government can’t protect people’s freedom. The libertarian view allows government to use force to stop others from attacking me, but it also allows people to discriminate against me, or fire me capriciously, or treat me unfairly in other ways. Power relationships naturally cause some to be treated unfairly. For example, “fair access to economic opportunity will require some system of publicly funded education so that ignorance does not radically reduce the opportunities open to children of poor or negligent parents.” (52). But fairness rights aren’t open-ended “positive rights” such as a general “right to be made happy,” because they deal with equality of opportunity, not equality of result. Duncan says that these fairness rights are fundamental, not just something based upon the consent of the governed.

The third objection, which Duncan calls the “dilemma of consent” objection, applies to the Lockean basis that Machan cites for his libertarianism, i.e., to the notion that a government is legitimate only to the degree to which it is based upon the consent (at least the tacit consent) of the governed. What is consent? Will mere continued residence do? If you don’t consent, will you have to leave the country whose laws you do not consent to? As Hume objected, the high cost of emigrating makes this an unrealistic option for most people; and anyway, what if no other country is willing to take you in? (Whether Hume’s practical objection is still true in this era of low cost travel is debatable.) And of course, if consent is the basis of legitimate government, Sweden’s welfare state is as legitimate as a purely libertarian one.

“Insufficiency of charity” is the fourth objection. Duncan argues that absent governmental coercion, people will not give enough charity to provide the poor with education, health care, food, energy, and so forth. He bases this argument on some brief historical comments about how bad working conditions were at the start of the industrial revolution: the rich lived very well, while masses of people lived poorly, working (in England) 65 hour work weeks, etc. These conditions were, allegedly, meliorated only by the rise of the welfare state. (This history is debatable. For example, before the 1930s there was little in the way of a welfare state in America, but people certainly didn’t starve en masse—charity did seem to work.)

Duncan offers the standard collective action problems. In a libertarian society free of government coercion, the charitable factory owner who provides safe and comfortable working conditions to his employees will lose out in competition to the grinchy one who doesn’t, because the charitably run factory will have higher costs. Thus there will be (as the cliché holds) a “race to the bottom.” Moreover, if we don’t force everyone to contribute, we wind up with the “free rider” problem: if the police force (say) is paid for voluntarily, then those who don’t pay stand to benefit just as much as those who do, so there will be a diminishing number of voluntary contributors.

Machan doesn’t reply to these objections. He begins by noting the obvious, to wit, that most academic political thinkers are egalitarians, not libertarians. He holds that they, including Duncan, take equality to be the core value, whereas libertarians take freedom to be. And he makes the consequentialist point that the result has been an extensive and ever-increasing redistribution of wealth. The rates of progressive taxation are high here and even higher in Europe. (Machan ought to have gone farther and noted the cost in slower growth that this high taxation causes.) He traces the prevalence of egalitarianism in academe to two causes: first, a denial of free will; second, an intuitionist approach to ethics.

Regarding the first, he notes that many philosophers are unsympathetic to the idea that the hard-working entrepreneur deserves his money, because they view that person as just conditioned to be ambitious. That being so, he doesn’t deserve to be rewarded more than other people, who happened to lack those inborn talents or social conditioning. Regarding the second, Machan says that the principle that everyone ought to be rewarded equally is just intuitively “true”—and hastens to add that intuitionism is a dicey basis upon which to base ethical views.

A more serious objection to individualism is that people are not social atoms; they are parts of a larger group, be it a nation, tribe, society, or community, and thus owe loyalty to that group. Socialists such as Marx and communitarians such as Charles Taylor say in effect that classical liberalism rests on a mistaken view of human nature: atomistic individualism, the view that human beings can live without any society at all, like solitary animals.

To this Machan replies that communitarians take Aristotle’s insight that man is a social animal way too far. He thinks they deny the idea that people are self-governing even while living in groups. Being social doesn’t mean that we enjoy (for example) the condition of servitude: “there is an essential individuality to our lives as well, and this requires for our flourishing that we enjoy sovereignty in how we live” (68). That means (here Machan leaps) that it isn’t unfair for some to be better off than others. Machan suggests that the expectation of “fairness” may be a socially conditioned impulse—in our affluent society, parents bend over backwards to treat their kids equally.

This strikes me as armchair psychology at its worst. Desire for equal treatment seems innate not just in humans, but in lower primates as well, as experimental psychology has shown. Give one chimp a piece of cucumber, and another a piece of banana, and the chimp given only the cucumber will be very angry. Now, one must hasten to add that not all our innate desires are good; we all innately prefer a diet high in sugar and fat, but that hardly leads to physical flourishing in today’s world. But the psychological desire for equality does seem to be real, and libertarians ought to deal with it.

Machan closes by making a couple of nice points. One is the observation that the mere fact that you don’t deserve something doesn’t mean that you deserve to have it taken away. Another is that people—often even libertarians—hold the rich in real contempt.

About this, Machan is puzzled: it makes sense for people to hate Marie Antoinette, since royalty do nothing to earn their money, and get it by taxing ordinary folk (who in her time were desperately poor); but these days the ultra-rich (e.g., Bill Gates) get their wealth by their own work and have to *pay* huge taxes, while average people are well off in absolute terms, and certainly well off when compared to average people of the past. Yet Machan should not be puzzled: envy is a constant of human psychology.

In Chapter 4, Duncan lays out his case for what he calls “democratic liberalism, i.e., modern (as opposed to classical) liberalism. He contrasts the “wergild” system of feudal England, under which it was a greater crime to kill a king than a nobleman, and a greater crime to kill a nobleman than a serf, with the egalitarian idea that all human beings have equal dignity and worth. This, he avers, is the basis for his political philosophy.

For Duncan, the source of the human dignity arises from our powerful mental capacities and our ability to articulate values and make choices. It is upon this mental capacity that we base our concept of moral responsibility. He notes that his view of politics-- based on a respect for dignity and the capacity for rational choice-- goes back to the ancient Stoics and was most forcefully articulated by Kant. He then analyses respect for this capacity for choice as involving three things: not impairing it; not constraining it; and not ignoring it.

By impairing a person’s ability to make rational choices, Duncan means crippling his or her mental capacities. This can be done in a myriad of ways, by physically or psychologically abusing people, or terrifying them, or addicting them to some powerful drug. By constraining a person’s ability to make rational choices Duncan has in mind such things as physical restrictions (keeping a person locked up in a cell, for example), or threats that incapacitate a person (as when a mugger demands your wallet at the point of a gun). Here the person’s dignity isn’t reduced so much as thwarted.

The third way of failing to respect people’s dignity is treating them as incapable of rational choice. This is “insulting a person’s dignity.” One way to do it was classically stated by Kant—treating someone as a means, a tool, for your own purposes. Duncan’s spin here is that in treating people as means, you are treating them unequally. He

points out that we are social animals, meaning that we cooperate to obtain the necessities of life. Society should respect the dignity of its individual members, but this leads to a dilemma: society is necessary for the development of the capacity for choice (hence for human dignity), but society requires rules and sanctions for getting its members to comply, which in turn threaten freedom and equality, and hence human dignity.

Duncan deals with this dilemma as so many modern liberals do, by appealing to John Rawls’ “liberal principle of legitimacy.” In this view, “the basic rules of society should be chosen so as to create a reasonable balance among the various inevitable threats to human dignity, chief among which are the threats of constraint and insult” (89). So, Duncan says, it is unreasonable to suppose that people will freely adopt constraints on their choices of occupation, spouse, number of children and so forth, but it is reasonable to suppose that they will adopt “lesser” constraints on income, pollution, driving, etc. This gives him his key opening: he says that choice must be real, which means (to him) that a poor worker faced with options such as “do this or you will be fired” is like a person facing a mugger who demands at gunpoint “your money or your life.”

Under this concept of dignity-based liberal democracy, people have civil rights (rights to free expression, association and so on); personal rights (rights against personal assault, murder and so on); economic rights (to personal property, to freedom from discrimination); and political rights (voting, due process in legal proceedings, etc.). Restrictions on these rights are allowed when and only when “it would be reasonable to expect free and equal members of society to accept” them (94). Of course, this leaves a lot open to question. Does it mean that members of society must be equal to begin with? Are we talking about all members, or a majority? And do they operate from ignorance, or do we suppose that they are knowledgeable about basic economics, psychology, and history?

But . . . on to practical proposals. Duncan favors a democracy based on proportional representation, so that smaller parties have an easier chance of being part of the debate and of the legislative process. He does not mention the obvious problems that such democracies face, such as the increased difficulty in forming legislative majorities. He favors publicly funded campaigns, so that big money contributions don’t dictate elections, but he doesn’t address the major problems of such systems, either. Doesn’t denying me the right to contribute all the money I can to defeat a candidate I view as evil count as a denial of free speech, and dignity as well?

In the economic system, Duncan’s dignity-based democratic liberalism favors some form of property rights, but not “absolute” ones. He thus predictably focuses not on whether property rights are guarded but on whether people have “adequate opportunity” to shape their lives. This means we must go beyond a system that gives people merely “formal” equality of opportunity to one that requires everyone to be given the opportunity to acquire the skills needed to succeed. Middle class people should thus pay more in taxes so that inner-city schools can achieve financial equality.

Duncan doesn’t consider the option of vouchers, which would give all students an equal share of tax revenues to attend a school of their choice. Even in a poor urban district such as Washington, D.C., this would amount to $14,000 per year per child. And he doesn’t offer evidence that there is real under-funding of education in America—indeed, that is a fallacy, as Jay P. Greene shows in his recent book, “Education Myths.” Besides, as Duncan himself notes, equal funding will hardly equalize education, because differences in genetics, subculture, and family enter in.

He notes (103-104) that there have to be “sensible limits” to the ideal of equality. One can just imagine the radical leftist response: then why *not* abolish the private family? And it’s unclear how Duncan can reply to this obvious extension of his own principles. One thinks here of Solzhenitsyn’s point made decades ago, that contemporary liberal principles of egalitarianism can’t resist extension by socialists, and ultimately by communists.

Addressing market outcomes and just deserts, Duncan makes the common leftist point that in our society, your economic reward doesn’t just reflect what you “rightly” deserve, or your “contribution to society.” Luck is also involved, and other people’s ideas of your contribution. A pornographer may earn what twenty nurses do. Janitors (as Duncan avers) may be underpaid, while CEOs (whom, Duncan feels, owe their status more to cronyism than to performance) may be overpaid.

Because the market is bad at rewarding people either for their effort or their contribution, and because (as Duncan readily concedes) governments in planned economies have been lousy at setting wages, he suggests that government *help to set morally correct wages*. Further, because “the power that employers have over employees is problematic from the point of view of respect for human dignity” (112), this power needs to be held accountable by a welter of laws prohibiting sexual harassment, ensuring worker safety, and setting a livable minimum wage. (He cites one study that alleges that minimum-wage laws do not increase unemployment, but one doubts that even one out of twenty economists would agree.) He of course advocates social security, unemployment insurance, health insurance affordable by everyone, and a “maintenance” income for those in poverty. To all of this he adds that we shouldn’t micromanage the economy.

He might have considered the effects of the welfare states of Europe, which apply all the programs he advocates—effects such as chronically high unemployment, low economic growth, massive population decline, and lower real wealth. He might also have projected the financial consequences of the entitlement programs we already have, which will, if not reduced, absorb *all*  the federal budget within a couple of decades. And he might have investigated libertarian alternatives to safety net programs. Even if we agree that social security is needed, why can’t we have the fully privatized system that the Chileans enjoy?

In his rejoinder, Machan accuses Duncan of basing his fundamental concept of equality on his own intuitions. Machan urges that his own version of egalitarianism rests instead on the objective facts of human nature. From this naturalist rather than intuitionist approach, democracy can clearly be seen to threaten liberty.

Machan focuses on a particular point: libertarians value freedom, not merely democracy. Yes, complete freedom requires people to be able to choose their leaders, but freedom, liberty, also requires that rights be observed. The fact that the majority of people may vote to renounce liberty doesn’t make it just. A country can lose it freedom democratically (Machan cites the case of Hitler). Indeed, some non-democratic countries are freer than democratic ones: a dictator may allow his subjects substantial liberty, just not the liberty to vote him out. In short, “A free country is one the members of which do not have burdens to which they have not given their full consent imposed on them by others” (133). And by that definition, America is not free. To Machan, the sort of taxation Duncan advocates is just extortion. To fund the legitimate functions of government, only voluntary means—such as user fees, fees on contracts to fund the courts, and perhaps lotteries—ought to be used. Machan doesn’t address the free rider problem involved in such taxation.

But Duncan replies with a *tu quoque*, claiming that his theory rests on intuitionism no more than Machan’s. Because different natural rights and natural law theories have been offered during the history of philosophy; Machan’s is not the only, objective one. Duncan also says that Machan’s theory would lead to judicial tyranny—an unusual charge for a modern liberal to make. In a libertarian society, he claims, “libertarianism is not up for debates” (149). No matter how much the people in an ideal libertarian society might want (say) minimum wage laws, those laws would be struck down by the judges. Here Duncan simply begs the question. He assumes that the majority *should* be allowed to pass such laws, which is precisely what Machan denies, because he holds that the majority should not be permitted to violate the rights of the minority.

Duncan concludes by pointing to passages in Jefferson and Paine that he thinks indicate that the Founding Fathers were not libertarians. His case would require a much fuller defense; a couple of quotes are unconvincing, and in any case Paine’s views were considerably different from those of the real founding fathers.

Here, as elsewhere in this book, one comes away with the feeling that the case laid out is shaky. Let’s start with Machan’s case for libertarianism. First it seems “too skinny”; it doesn’t seem to legitimate enough power structures to enable a society to survive in a world (such as the real world) with other societies that are not equally constrained. It is hard to see how Machan’s principles could, for instance, justify having much of a military, or the kind of spy agency that could avert war or terrorism.

Machan is also inconsistent in discussing the basis of libertarianism. He bases it now on Lockean rights theory, then on Kantian dignity and respect for free agency, then again as neo-Aristotelian flourishing. He says he is not a consequentialist, but his arguments are often consequentialist in form. As to his attempt to base his libertarianism on the dignity of rational agents, how secure can this foundation be if ultrastatist liberals such as Duncan can also base their view on it? And the natural rights-natural law tradition that Machan occasionally employs can also be used as a foundation for modern statist liberalism, as recently argued by Christopher Wolfe (in “Natural Law Liberalism”).

In addition, doesn’t basing libertarianism on a Kantian ethic of the dignity of all rational agents downplay the fact that not every person is a rational agent? What does a libertarian do about orphaned children? Rely solely on private charity? I agree that over the history of this country private charity has watched out for the destitute—more than Duncan acknowledges—but if hypothetically there were a shortfall, can the state not act? After all, a dead child cannot exercise rationality. And suppose a person wants to take a drug that destroys rationality itself: doesn’t respect for dignity say that we must stop him?

Machan never really addresses Duncan’s point about the reality of wealth creation. Suppose I make my fortune in real estate. Are not the institutions of society—fire departments, police departments, well-regulated banks, state-supported infrastructure (sewers, roads, etc.), court systems, and a myriad of others—contributing factors in my success? Can we disaggregate those factors from my own efforts and contributions? Even if many of the functions can be privatized, can they be freed of all governmental supervision?

Finally, Machan, like many other libertarians, appears to believe piously in freedom of the will. But what if we don’t have contra-causal free will after all? Does the libertarian approach to political governance then fail? Can we have political libertarianism without metaphysical libertarianism?

Duncan’s contemporary (statist) liberalism is also shaky. The first problem with his account is one that Machan hits on nicely: if we all have a right to support from others, doesn’t this lead to the tyranny of the majority, with the majority voting to support itself by plundering the minority? Duncan tries to put a limit on this with his principle of reciprocity. But don’t systems that allow free taxation to equalize opportunity degenerate into an equality of income? Here Duncan faces his own free rider problem: in a democracy where 70% can tax the 30% to pay for everything, the 70% are completely free riders. And his point that such redistribution should be limited by the requirement that the (comparatively and temporarily) wealthy minority get a “rough” balance of return for its lost income is meaningless, since *the balance must be determined by the free riders themselves*. This is not merely an abstract issue: currently, the upper 5% of American income earners pay 57% of all federal income taxes, while the bottom 50% pay a negligible 3%. The economist Gary Shilling estimates that 53% of all Americans now receive much of their income from government.

Also, Duncan’s concept of “desert” is simply too strong. We ought to distinguish positive from negative desert. If I find a diamond, I don’t positively deserve it, since I didn’t make or earn it, but I negatively deserve it, in that it was I, not someone else, who found it. The fact that I don’t positively deserve it doesn’t mean that it should be taken from me.

Machan locates another problem with Duncan’s argument: there seems to be a contradiction between saying that you respect the dignity of rational agents, but then saying that they are not responsible for their actions or their state of existence. Machan traces this—rather unclearly in my view—to the problem of free will and materialism (compatibilism) (140). I view it instead as resulting from Duncan’s inability to face the key fact about modern history: the welfare state that inspires him has created and perpetuated the social problems that distress him. Duncan tosses out a brief comment (116) that, yes, the plight of the poor is sometimes the consequence of their own bad choices, but he afterwards ignores this fact as if it were only a tiny fraction of the problem. I would argue that at this point in American history it is the predominant part of the problem.

Consider the 1960s Great Society welfare programs. Did they not directly cause an explosion of illegitimate births? And is it not clear that the absence of fathers has proven a major factor in the chances of children becoming destitute, criminal, or substance dependent? In Duncan’s footnotes I saw many references to Rawls, whose work is the most popular *theoretical* justification for the welfare state, but no reference to the work of the social scientist Charles Murray, whose *empirical* work shows that the effect of these programs was to halt the historical reduction of poverty and make it far more socially catastrophic.

Duncan has the usual one-sided modern liberal view that what I earn is enhanced by the actions of an always benign government. But what about the costs imposed by the government or the harms it causes? For example: if an ob/gyn has his income dramatically cut because of our disgraceful tort system, doesn’t that balance out the benefits “given” to him by the state, such as his partially subsidized education? Again, if the government debases the currency, am I not absolved of some of my moral obligation for the good things government delivers? Considerations like this make determining the degree of reciprocity virtually impossible to calculate.

Duncan doesn’t spell out how the lack of equal opportunity for education and other services is due to “unequal power.” Is it the case that, during the industrial revolution, the poor were *made* poor by the rich or had money *stolen* by the rich, or that the wealth of the rich *prohibited* the poor from becoming wealthy (as in some zero sum game)? You would have a very hard time proving those assertions.

Likewise, Duncan’s critique of reward and merit in a capitalist system is very dubious. To begin with, he conflates moral with non-moral goodness. While it is true that the pornographer renders a less morally meritorious service than a nurse, his service may still be desirable in a non-moral way; he provides a type of pleasure. Moreover, Duncan overlooks the difference between “rule” and “act” utilitarianism. It may be that the practice of rewarding people purely on the basis of the free market is generally the best rule to follow, even if in *particular cases* it isn’t. He also overlooks the role of pricing as a mechanism of information. The fact that philosophy professors earn dramatically less than engineering professors helps to inform would-be philosophers that either there is an over-supply of their profession, or that society has less desire or need for it than it has for other things. (That society may have morally wrong preferences, from Duncan’s perspective, is another matter.)

Looking at the presentations of both authors, one feels that finding a secure ethical basis for libertarianism (or for modern liberalism) is still an open question. There is a wide spectrum of ethical theories, from ethical egoism, to utilitarianism, to Existentialism, to Christian agapism, to Kantianism, to Rossianism, to virtue ethics, all of which are arguably compatible with a libertarian social and political philosophy. Political libertarians have often been ethical egoists. But the same Mill who wrote “On Liberty” was a utilitarian. Machan bases his libertarianism mainly on Kantian respect for rational agents, but as he notes you could base it as well on Christian ethics. While the most influential existentialist writer Sartre was as politically leftist as you can get, his philosophy emphasizes the radical freedom of human choice, and so surely could be used as a basis for political libertarianism. Similarly, the multiple-rule deontologism of W. D. Ross could easily be used as a basis for a libertarian political philosophy.

But my suspicion is that while these various ethical theories are compatible with social and political libertarianism, and can be used in some sense as bases the libertarian perspective, the best approach would be one of virtue ethics.

In particular, I have doubts whether appealing to what rational agents would do in a hypothetical state of nature or veil of ignorance is the best way to proceed. Human beings are not generally exemplars of shining rationality. Never mind that children, adolescents, many of the elderly, and many prime age adults are mentally impaired. Normal adults aren’t fully rational, either—as Daniel Kahneman and Amos Tversky demonstrated decades ago, in work for which Kahneman was recently awarded the Nobel Prize in Economics. A more plausible case could be made for the idea that we need to focus on the role large-scale centralized coercive government plays in destroying virtue, and the role non-governmental self-organizing groups play in creating and sustaining it.

Such a “virtue libertarianism” would, I believe, be more biologically realistic than other flavors of libertarian philosophy, some of which—if I may speak with brutal frankness—read as if they were written by perpetual adolescents, people who never married or had children, or were ever likely to. If we are truly naturalist—which we ought to be—we should never forget that humans are evolved hominids, and as far back as we can see they formed families for reproduction and child-rearing, and groups for mutual protection. Libertarians need to take such realities into account as much as they do the debating points of abstract theories, however attractive and inspiring and partially explanatory they may be.

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