

# THE LITERATURE OF LIBERTY

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*T*he reader you hold in your hands provides a good overview of libertarian thought, but no one collection can do justice to the richness of libertarianism or to the range of problems to which one can apply libertarian insights in illuminating or practical ways. The reader includes a number of the canonical works of the libertarian tradition, either excerpted or in their entirety. This short guide is a supplement to the texts, intended for those who wish to explore further the foundations, implications, and promise of libertarianism. (I have not generally listed works already represented in this reader, although those that are merely excerpted usually merit reading in full.) In addition to works written from a libertarian perspective, or which have contributed to the development of libertarianism, I have included some contemporary and classic works that are critical of the libertarian approach, ranging from Plato's criticism of voluntary social organization to contemporary conservative, socialist, and social democratic criticisms. Libertarianism is central to virtually all of the currently exciting debates in ethical theory, political science, economics, history, and the other humane sciences, as well as to actual political struggles across the globe, and it is important to see it, not only as its proponents see it, but from the perspective of its critics as well.

Such a bibliographical guide could be organized in any number of ways (chronological/historical, thematic, by schools or countries), and each has its advantages. I have organized this guide so that the reader can first review broad introductions to the subject and then delve into more specific issues. Accordingly, I have organized the material into eight categories: (I) contemporary or relatively recent general works on libertarianism; (II) the history of civilization from a libertarian perspective; (III) imprescriptible individual rights; (IV) spontaneous order; (V) free markets and voluntary organization; (VI) justice and political or-

ganization; (VII) violence and the state; and (VIII) classical and contemporary works that are directly critical of libertarianism. The topic divisions are somewhat arbitrary, precisely because so many of the ideas considered here are mutually reinforcing and therefore likely to be found treated in the same book or essay. I conclude with the critics of libertarianism in order to allow the reader the opportunity to see the issues from at least two perspectives, to think through some difficult problems, and to decide for herself which arguments she finds most convincing. No one perspective is likely to have all the answers, or even to ask all of the interesting and important questions, and it is only through dialogue with other views—through criticism and hard thinking—that libertarianism is likely to grow and flourish, and to make possible a better, freer, more peaceful, prosperous, and just world.

Readers trying to find an authoritative once-and-for-all answer to every question are likely to be disappointed, for not all the writers here discussed agree on all questions, and many of the most interesting works were written as criticisms of other libertarian or classical liberal writers. Broad agreement on the value and importance of imprescriptible rights to life, liberty, and property is the hallmark of the libertarian approach, but libertarianism remains a lively and exciting field for the thoughtful and creative, rather than merely a set of canonical answers. What is perhaps most remarkable about modern libertarianism is the way it illuminates the world, both morally and scientifically. The moral imperatives of peace and voluntary cooperation are brought together with a rich understanding of the spontaneous order made possible by such voluntary cooperation, and of the ways in which coercive intervention can disorder the world and set in motion complex trains of unintended consequences.

This guide is, by necessity, somewhat eccentric—reflecting my own reading and the interests that have guided me over the years—and most definitely incomplete. I certainly anticipate objections from readers who will complain that works were excluded that were better, or more important, or “more libertarian” than works that were included. As excuse for the absence of important works, I can only plead the limitations of space. To the objection that works are included to which some may object, on the grounds that they are not “plumb line” libertarian texts, I respond with the words of the late Henry Hazlitt, formerly economics editor at *The New York Times*, a columnist for *Newsweek*, and the author of the extraordinarily influential book *Economics in One Lesson*, in his own bibliography of libertarianism, *The Free Man's Library* (Princeton, N.J.: Van Nostrand, 1956):

In an effort to answer as many as possible of such objections in advance, I should like to say here that the inclusion of a book in this bibliography certainly does not imply that I myself subscribe to every doctrine or sentence in that book or that I think that every opinion it enunciates is an essential part of the libertarian or individualist tradition. What inclusion does imply is that in my judgement the book . . . makes on net balance a factual or theoretical contribution to the philosophy of

individualism, and that at least some readers may derive from it a fuller understanding of that philosophy. (pp. 7–8)

Partly because this bibliography is so much smaller than Hazlitt's, which listed 550 books, I have employed more fine-grained selection criteria and have not included the many criticisms of totalitarianism that appeared in his 1956 listing, when the totalitarian state was a very present threat to liberty. The selection I have made, which is drawn entirely from material available in English, is far from comprehensive, but those who wish to read and study further will find that each book or essay invariably leads to others.

## I. General Works on Libertarianism

One of the most prolific libertarian writers of this century was undoubtedly the late Murray N. Rothbard, whose writings ranged from his own area of academic expertise—economics—to political science, ethics, history, international affairs, and much more. In the 1970s he turned his attention to writing a “manifesto” of libertarianism, which appeared in two editions under the name *For a New Liberty: The Libertarian Manifesto* (2d ed.; New York: Macmillan, 1978). This book provides a good overview of the libertarian worldview, although the chapters on public policy issues and on the organized libertarian movement are by now somewhat dated.

Rothbard had published many articles and books in the 1950s and 1960s arguing against the legitimacy of the state (in American English, usually referred to as “government,” although this implies the impossibility of “voluntary government,” which Rothbard favored). The distinguished philosopher Robert Nozick found Rothbard's arguments a powerful case against the legitimacy of the state, and he was moved by Rothbard's challenge to write his tremendously successful and brilliant book defending the strictly limited state, *Anarchy, State, and Utopia* (New York: Basic Books, 1974). Although strictly speaking not a “general work on libertarianism,” Nozick's book has come to enjoy canonical status among academics, who normally assign it to students as “the” libertarian book, with little appreciation of the broader tradition of libertarian thinking and scholarship within which Nozick's work took shape.

Nozick started his enterprise with the explicit assumption, stated in the first sentence of *Anarchy, State, and Utopia*, that “individuals have rights, and there are things no person or group may do to them (without violating those rights),” an assumption shared with Rothbard and other libertarians, and then attempted to answer the question “How much room do individual rights leave for the state?” His response is that a very limited state, dedicated to protecting individual rights, is legitimate and consistent with individual rights. In the process of defending the (strictly) limited state, Nozick articulated many provocative ideas in this witty and dazzling book, and offered a direct and strong criticism of John

Rawls's then recently published and widely acclaimed defense of the redistributive welfare state, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971). Largely because of his remarks on Rawls and the extraordinary power of his intellect, Nozick's book was taken quite seriously by academic philosophers and political theorists, many of whom had not read contemporary libertarian (or classical liberal) material and considered this to be the only articulation of libertarianism available. Since Nozick was writing to defend the limited state and did not justify his starting assumption that individuals have rights, this led some academics to dismiss libertarianism as "without foundations," in the words of the philosopher Thomas Nagel. When read in light of the explicit statement of the book's purpose, however, this criticism is misdirected, or should have been directed at some other book attempting to make another argument. (Other contemporary philosophers have taken up the task of justifying the strong claim that individuals have rights, and I will introduce a few of them shortly.)

A list of "general" works on libertarianism certainly must include the enormously popular essays of the best-selling novelist-philosopher Ayn Rand. Some of her better works, along with essays by three collaborators (psychologist Nathaniel Branden, historian Robert Hessen, and current Federal Reserve chairman Alan Greenspan), can be found in the collection *Capitalism: The Unknown Ideal* (New York: New American Library, 1966). Presented in vivid and dramatic language, the essays represent an attempted synthesis of Rand's political philosophy. Unlike most of her other books, which deal with her theories of popular culture, art, personal morality, metaphysical truths, epistemology, and the many other issues to which Rand turned her formidable intellect, the essays in this volume are more narrowly political and libertarian. Rand was strongly influenced in developing her political philosophy by the American libertarian writers Isabel Paterson and Rose Wilder Lane, as well as the Austrian-school economist Ludwig von Mises. (It should be noted that Rand's dramatic style—so important to an artist—sometimes led to oversimplification, as in her characterization of "big business" as "America's persecuted minority"; her efforts to defend businesspeople from the kind of scapegoating directed at Jews in National Socialist Germany or at the "bourgeoisie" in her native Russia led her to downplay the efforts of many involved in "business" to get special favors from the state and to restrain the activities of their competitors. For such favor-seeking businesspeople she had only contempt.) One remarkable thing about Rand's approach that distinguished it from so much previous thinking—and that is certainly a prominent feature of the essays in this collection—is that she offered a distinctively *moral* defense of an economic system based on voluntary cooperation and exchange; it was not that people were not "good enough" for socialism, but that socialism was not good enough for people.

Two Austrian contributors to modern libertarian thought are Ludwig von Mises and F. A. Hayek, both articulate defenders of the older tradition of liberalism against the new threat of totalitarianism in the twentieth century. Mises published his positive political philosophy in his book *Liberalism* in German in 1927

(Kansas City, Mo.: Sheed, Andrews and McMeel, 1978). Hayek, who went on to win the Nobel Prize in economics in 1974, set forth his views on political matters in a number of books. Taken together, these books reveal a gradual evolution in his political thought. They include his extraordinarily influential book *The Road to Serfdom* (Chicago: University of Chicago Press, 1944), which undoubtedly represents one of the intellectual and political turning points of the century; *The Constitution of Liberty* (Chicago: University of Chicago Press, 1960); and his three-volume *Law, Legislation, and Liberty* (Chicago: University of Chicago Press, 1973, 1976, 1979). Another Nobel Prize-winning economist whose works have been enormously influential in the post-World War II libertarian movement is Milton Friedman, who, with his wife Rose Friedman, has written eloquently about the loss of freedom due to growing state power. Milton Friedman's *Capitalism and Freedom* (Chicago: University of Chicago Press, 1962) was ground-breaking, and Milton and Rose Friedman's *Free to Choose* (New York: Harcourt Brace Jovanovich, 1980) introduced millions to libertarian ideas, especially through the television series associated with the book.

Political scientist Norman Barry's *On Classical Liberalism and Libertarianism* (New York: St. Martin's, 1987) presents a useful overview of libertarian thought, focusing mainly on twentieth-century writers. An attempt to place libertarianism on secure foundations and to defend it from various criticisms can be found in philosopher Jan Narveson's *The Libertarian Idea* (Philadelphia: Temple University Press, 1989). A rigorous attempt to place libertarianism (or thoroughgoing classical liberalism) on a foundation of well-formulated axioms is available in economist Anthony de Jasay's *Choice, Contract, Consent: A Restatement of Liberalism* (London: Institute of Economic Affairs, 1991). Law professor Richard Epstein has produced an outstanding defense of a broadly libertarian approach, including what he considers to be defensible but tightly delimited deviations from strict libertarianism, in his *Simple Rules for a Complex World* (Cambridge, Mass.: Harvard University Press, 1995).

There are other readers on libertarian thought, in addition to this one, although most do not have the broad sweep or historical dimensions of the one you are holding. Among the best, mostly containing essays from the last few decades, are three that have been edited by the philosopher Tibor Machan, a Hungarian refugee from communism who was also influenced by Ayn Rand. These books are useful as sources of short essays on issues in ethics, history, economics, international relations, and public policy from a libertarian perspective. The collections edited by Machan are *The Libertarian Alternative* (Chicago: Nelson Hall, 1973); *The Libertarian Reader* (Lanham, Md.: Rowman & Littlefield, 1982); and, coedited with Douglas B. Rasmussen, *Liberty for the 21st Century* (Lanham, Md.: Rowman & Littlefield, 1995).

I cannot conclude this section without mentioning a little favorite of mine, *Liberty Against Power: Essays by Roy A. Childs, Jr.*, Joan Kennedy Taylor, ed. (San Francisco: Fox & Wilkes, 1994), a collection of essays by the late libertarian scholar Roy A. Childs, Jr., which includes a selection of his scholarly articles, pop-

ular essays, journalistic pieces, speeches, and reviews. Childs, an autodidact and independent scholar who did not go to college, exercised an enormous influence on a generation of libertarian scholars, many of whom are now well-known professors, and kept up a vast and learned correspondence with distinguished academics, artists, musicians, businesspeople, journalists, and politicians. (He was one of the brightest and most dazzling personalities I have ever known and remains an inspiration to me and to many other libertarians.) The volume has a foreword by the famous libertarian psychiatrist Thomas Szasz.

Of course, as of this writing, the most up-to-date popular introductions to libertarian thought are *Libertarianism: A Primer* (New York: The Free Press, 1997), by David Boaz, executive vice president of the Cato Institute and the editor of this volume, and *What It Means to Be a Libertarian: A Personal Interpretation* (New York: Broadway Books, 1997), by the social scientist Charles Murray.

## II. The History of Civilization from a Libertarian Perspective

One way of understanding the history of modern civilization is as a constant struggle between liberty and power. That was how it was understood by the historian John Emerich Edward Dalberg-Acton, known as Lord Acton. There are many available editions of his writings, as well as a number of fine biographies. Paradoxically, precisely because of his vast and unequalled learning (he read and annotated tens of thousands of books in his lifetime and was fluent in a mind-boggling number of languages), Acton never wrote a book. He fell prey to the mistake of allowing the best to be the enemy of good, as he always knew that there was more that could be learned before committing his views to print. Thus, his planned great history of liberty has been referred to as “the greatest history never written,” but his collected essays and reviews run to many volumes. Especially noteworthy are his essays on “Nationality,” “The History of Freedom in Antiquity,” “The History of Freedom in Christianity,” and his “Inaugural Lecture on the Study of History,” all available in a recent edition edited by J. Rufus Fears, *Selected Writings of Lord Acton, Vol. I: Essays in the History of Liberty* (Indianapolis: Liberty Classics, 1985). It was Acton who summed up his study of thousands of years of history in the following now-famous terms: “Power tends to corrupt, absolute power corrupts absolutely.”

A sweeping treatment of history as a struggle between liberty and power can be found in the work of the sociologist Alexander Rüstow, who opposed the National Socialists in Germany and then went into exile as Hitler destroyed the last remnants of continental European libertarianism. During his exile Rüstow strove to understand how the monstrosity of collectivism could emerge in a civilized country such as Germany, and the result was a massive work in social theory, which was abridged and edited by his son Dankwart Rüstow and published in English as *Freedom and Domination: A Historical Critique of Civilization* (Princeton, N.J.: Princeton University Press, 1980).

Another approach, resting on philosophical underpinnings quite different from those of either Acton or Rüstow (although he influenced both), can be



found in the work of the nineteenth-century German legal historian Otto von Gierke, who distinguished between the principles of association (*Genossenschaft*) and domination or lordship (*Herrschaft*) and who saw both as operative in shaping modern social relations. A good selection from his work is available in *Community in Historical Perspective*, Antony Black, ed. (Cambridge: Cambridge University Press, 1990).

In all of the above accounts, society is distinguished from the state, which is the product of violence, conquest, and domination. Libertarians see such accomplishments as the rule of law, individual rights, toleration, and peace as victories won in a long struggle against power, and institutions such as representative government, the separation of powers, equality before the law, and independent courts as devices to bring the state itself—the organized system of plunder and domination—under law.

Just as there are histories of states (indeed so much of what most people think of as “history” is merely the chronicling of power, of kings and queens, courts and coups, wars and conquests), there are also histories of civil society, of the market, of property and law, of productive work and exchange, of voluntary cooperation. A good place to start is with the history of the revival of commercial civilization in Europe after the barbarian conquests found in the work of Henri Pirenne, notably his very readable and popular *Medieval Cities: Their Origins and the Growth of Trade* (1925; Princeton: Princeton University Press, 1974). The birth and growth of commercial society are examined in many works. Two of the more outstanding are Robert S. Lopez, *The Commercial Revolution of the Middle Ages, 950–1350* (Cambridge: Cambridge University Press, 1976), and John Brewer and Roy Porter, eds., *Consumption and the World of Goods* (London: Routledge, 1996). A sophisticated and very accessible treatment of the rise of “capitalism” can be found in Nathan Rosenberg and L. E. Birdzell, Jr., *How the West Grew Rich* (New York: Basic Books, 1986).

Similar accounts of the emergence of civil society, or the extended order of modern “capitalism,” can be found in E. L. Jones, *The European Miracle* (Cambridge: Cambridge University Press, 1981), which locates the source of European economic and legal progress in the radical fragmentation of power on that continent, and Hayek’s last book, *The Fatal Conceit: The Errors of Socialism* (Chicago: University of Chicago Press, 1988), which offers a sweeping account of the rise of liberal civilization. A primary feature of these accounts is the role played in the development of modern liberty by the fragmentation of power. Political fragmentation and commercial civilization (with movable forms of wealth, as Benjamin Constant emphasizes in his essay in this reader) lower the individual’s cost of exit from an oppressive political situation. Because people could escape from one political system to another, rulers and potential rulers had to compete among themselves to attract or maintain their base of taxpayers. Furthermore, in Europe political power was rarely unitary in any one territory, but was usually at least shared (and disputed!) by the church and the secular authorities, unlike the situation in other areas of the world, where the king claimed either the title of head

priest or of God it/him/herself, something unthinkable in the Judeo-Christian worldview. In Europe, because of this competition between church and state and among different kinds of secular authorities, liberty was able to grow up in the “jurisdictional cracks” between the different powers and individuals were able to play powers off against one another, generally resulting in greater security of rights for the individual. A brilliant account of this history of “legal pluralism” and “jurisdictional cracks” is found in the legal historian Harold Berman’s *Law and Revolution: The Formation of the Western Legal Tradition* (Cambridge, Mass.: Harvard University Press, 1983).

### III. Imprescriptible Individual Rights

The source or justification of rights has always been a contentious issue among libertarian thinkers. Whether individuals have rights in virtue of their utility, their correspondence to the demands of pure reason, divine revelation, or for some other reason may indeed matter in debates over particular policy issues, but rather than seeing different kinds of justifications arriving at the same general conclusion as a problem, I prefer to see it as a kind of “fail-safe” mechanism: If many different nonexclusive arguments all converge on the same conclusion, we can be more sure of its truth than if only one of those arguments led us there, and the others led to other conclusions.

In any case, in the history of political thought, “natural law” arguments and arguments from “utility,” for example, were not generally seen as in opposition, for one comes to understand nature only indirectly, through experience, whether in the physical sciences or in the moral sciences, and the sign of a good institution is its good consequences, or utility. What is characteristic of the libertarian approach to rights and distinguishes it from others is that basic rights are held to be “imprescriptible,” meaning that fundamental rights are not gifts or mere dispensations from power—whether king or parliament, commissar or congressman—but have moral force before and independently of particular political arrangements. Rights are what individuals bring to politics, not what they take out. When political society works properly, what individuals derive from politics is security for rights, but their previously justified rights are what they enter into political arrangements to secure. Imprescriptible rights are thus not subject to “prescription”; they are neither handed out by authoritative figures, as doctors hand out prescriptions for drugs, nor subject to being arbitrarily taken away without injustice.

A useful historical account of the origins of natural rights theories is found in Richard Tuck’s *Natural Rights Theories: Their Origin and Development* (Cambridge: Cambridge University Press, 1979). (While Tuck’s knowledge and scholarship are truly impressive, a useful supplement to his book can be found in an article by the Cornell University historian Brian Tierney, in “Tuck on Rights: Some Medieval Problems,” *History of Political Thought*, Vol. IV, No. 3, Winter 1983. Tuck himself extended his account in his essay “The ‘Modern’ Theory of Natural Law,”



in *The Languages of Political Theory in Early-Modern Europe*, Anthony Pagden, ed. [Cambridge: Cambridge University Press, 1987].) Another account by a distinguished philosopher, Fred D. Miller, Jr.'s *Nature, Justice, and Rights in Aristotle's Politics* (Oxford: Oxford University Press, 1995), argues that the roots of modern rights theory can be found in Aristotle, that "Locke's theory of 'the Law of Nature' is a direct descendant of Aristotle's theory of natural justice," and that in Aristotle's writings can be found a theory of "rights based on nature."

Especially important in the history of libertarianism are the contributions of the Spanish "School of Salamanca," whose members articulated so much of the foundation of the modern libertarian synthesis of spontaneous order and individual rights. The Argentine economist Alejandro Chafuen has written a good overview of this school in his *Christians for Freedom: Late-Scholastic Economics* (San Francisco: Ignatius Press, 1986).

Chafuen's focus is principally on the sophisticated understanding of the self-regulating free market that the Spanish Scholastics achieved, but this advance in social science was closely connected to the development of the idea of imprescriptible and universal rights of individuals in moral and legal philosophy, as well. (Markets are simply what emerge when people have secure rights, including the right to exchange.) Part of the interest in the issue of individual rights was occasioned by the treatment of the Indians in the territories conquered by Spain, which raised deep questions regarding the rights of the indigenous peoples.

One writer whose defense of the rights of the Indians contributed greatly to the modern libertarian idea of imprescriptible individual rights is Francisco de Vitoria, whose "On the American Indians" (in Francisco de Vitoria, *Political Writings*, Anthony Pagden and Jeremy Lawrance, eds. [Cambridge: Cambridge University Press, 1991]) exercised a great influence on later rights theorists. Vitoria concluded that the Indians were not the "natural slaves" of which Aristotle had written, and that "the barbarians undoubtedly possessed as true dominion, both public and private, as any Christians. That is to say, they could not be robbed of their property . . . on the grounds that they were not true masters (*ueri domini*)."

Vitoria drew on the writings of one of the great lawyer-popes of the thirteenth century, Innocent IV, who had insisted that to deprive unbelievers ("infidels," including Jews and Muslims) of life, liberty, or property was unjust: "Lordship, possession, and jurisdiction can belong to infidels licitly and without sin, for these things are made not only for the faithful but for every rational creature as has been said." (Innocent's arguments can be found in the outstanding collection edited by Brian Tierney, *The Crisis of Church and State, 1050–1300* [Toronto: University of Toronto Press, 1988], along with many other documents important to the development of libertarianism.)

Particularly active in the struggle to protect the rights of the Indians was Bartolomé de Las Casas, who defended their rights in a famous debate with Juan Ginés de Sepúlveda in Valladolid in 1550 (Las Casas's arguments were later published as a book; see his *In Defense of the Indians* [c. 1552; DeKalb: Northern Illi-

nois University Press, 1992]), and who wrote eloquently to alert European readers to the horrors visited on the native peoples by their conquerors (see his *The Devastation of the Indies: A Brief Account* [1552; Baltimore: The Johns Hopkins University Press, 1992]).

The proto-libertarians of the School of Salamanca succeeded in establishing a vigorous defense of the rights of every human being to life, liberty, and property, which is truly one of the great accomplishments of our civilization. Even if honored more in the breach than in the practice for many years, the principle of inprescriptible individual rights was established, and this principle spurred the later emancipation of slaves, the equalization of rights between men and women, and at least some degree of restraint in the treatment of the helpless, whose lot in earlier years was to be destroyed if they could not be enslaved.

What emerged from this tradition and from these debates was the idea that to be a moral agent was to be able to take responsibility for one's actions, referred to as "dominium," or self-mastery, which entailed that one had a *right* to fulfill one's responsibilities, essentially on the grounds that "ought implies can." This idea was expressed in English by the phrase "a property in one's person," an idea advanced by such figures as the English Leveller Richard Overton (see the selection in this reader) and the more widely known English physician, philosopher, and activist for liberty John Locke (see the selections in this reader). Locke brought together into an appealing synthesis ideas about property, consent, contract, and the origins and limits of legitimate government. Locke's influence on the modern world, as on modern libertarianism, is inestimable. It is, of course, especially obvious in the American Declaration of Independence, which articulated libertarian ideals for a worldwide audience. The book in which Locke brought together these important ideals is his *Two Treatises of Government*, the first of which is mainly a refutation of the arguments for absolutism of Sir Robert Filmer, while the second contains more of Locke's own arguments on behalf of individual liberty and limited government. The language remains remarkably readable, but it is advisable to obtain one of the annotated editions for footnotes explaining references that may be obscure to contemporary readers. (Locke's arguments are clearly restated, defended from criticism, and applied to new problems and issues—not always in ways entirely consistent with libertarian approaches—by A. John Simmons in *The Lockean Theory of Rights* [Princeton: Princeton University Press, 1992].)

Contrary to the interpretation given to these developments by socialist historians (such as C. B. Macpherson, whose *The Political Theory of Possessive Individualism* [Oxford: Oxford University Press, 1962] has misled thousands upon thousands of university students), the idea of property was not a sneaky trick to justify the wealth of a nascent bourgeoisie, but was articulated first and foremost in defense of such groups as the defeated American Indians and persecuted religious dissenters. (The absurd interpretation of the idea of property in one's person as a kind of trick to justify "capitalist inequality" has been restated, on the basis of a mass of historical errors, by Attracta Ingram in her sustained screed against libertarianism, *A Political Theory of Rights* [Oxford: The Clarendon Press

of Oxford University Press, 1994]. Being ignorant of the historical record, Ingram ultimately must rely on what she refers to as the “intuitive plausibility” [p. 75] of her misrepresentation of history as an argument against property in one’s person.) The connection between the idea of property in one’s person (sometimes referred to as “self-ownership”) and freedom of conscience is nicely laid out by the philosopher/historian George H. Smith in his historical survey “Philosophies of Toleration” (in George H. Smith, *Atheism, Ayn Rand, and Other Heresies* [Buffalo, N.Y.: Prometheus Books, 1991]).

The history of the application of the idea of property to *alienable* objects (the more common use of the term “property” by contemporary writers) is traced and explained in the philosopher Stephen Buckle’s very readable *Natural Law and the Theory of Property: Grotius to Hume* (Oxford: Oxford University Press, 1991). A recent updating of the theory is provided by Murray N. Rothbard in his book *The Ethics of Liberty* (Atlantic Highlands, N.J.: Humanities Press, 1982), which applies the theory to a variety of concrete problems.

The classical accounts of individual rights canvassed in the literature above tended to focus on the issue of responsibility for one’s actions, or “dominium” (an issue to which F. A. Hayek returned in the chapter on “Responsibility and Freedom” in *The Constitution of Liberty* [Chicago: University of Chicago Press, 1960]). The idea has been restated in contemporary times in a somewhat more analytical way (focusing on the analysis of concepts or essences) by Ayn Rand and the philosophers she has inspired. Rand’s own arguments, which are somewhat fragmentary (being found scattered over a variety of her essays), have been reconstructed by the philosopher Eric Mack in his essay “The Fundamental Moral Elements in Rand’s Theory of Rights,” in *The Philosophic Thought of Ayn Rand*, Douglas J. Den Uyl and Douglas B. Rasmussen, eds. (Chicago: University of Illinois Press, 1986). The idea that rights are a requirement of the life of a living reasoning entity, which is central to Rand’s philosophy, is explored further in Tibor R. Machan’s book *Individuals and Their Rights* (La Salle, Ill.: Open Court, 1989) and in Douglas Rasmussen and Douglas Den Uyl’s *Liberty and Nature: An Aristotelian Defense of Liberal Order* (La Salle, Ill.: Open Court, 1991), both of which defend versions of “moral realism.” Taking their cue from Aristotle’s *Nicomachean Ethics*, Rasmussen and Den Uyl stress the importance of “self-direction” to human flourishing, a theme that also plays a role in the philosophically rather different account offered by the libertarian philosopher Loren E. Lomasky. In *Persons, Rights, and the Moral Community* (Oxford: Oxford University Press, 1987) Lomasky argues that human beings are “project pursuers,” with the right to choose and pursue their own life projects.

Another illuminating approach to rights draws on the “transcendental” form of argument pioneered by Immanuel Kant, who (to simplify matters a bit) started with the accepted truths of arithmetic, Euclidean geometry, and Newtonian physics and then asked what would have to be true for these sciences to generate knowledge. Analogously, the libertarian bioethicist H. Tristram Engelhardt, Jr., has asked what would have to be true for the pluralistic extended order, or civil

society, to exist; he presented a theory of two “tiers” of morality, the abstract rules of the free society, which provide a mere framework for social coexistence and cooperation, and the concrete customs, injunctions, and requirements of particular religious or philosophical or communal moralities, which provide the content of moral lives. This theory is set out in its general form and then applied to concrete problems and issues in biomedical ethics by Engelhardt in his book *The Foundations of Bioethics* (Oxford: Oxford University Press, 1986). (Interestingly, this transcendental argument has some affinity with the “hypothetical imperative” argument advanced by such thinkers as Samuel Pufendorf, who stressed “sociality” as the foundation of the rules of justice: If you wish to live with other humans in peace and harmony, *then* certain things are necessary, such as rights, rules of just conduct, and property. See Pufendorf’s *On the Duty of Man and Citizen* [1673; Cambridge: Cambridge University Press, 1991] and Craig L. Carr, ed., *The Political Writings of Samuel Pufendorf* [Oxford: Oxford University Press, 1994].)

An account that begins with the nature of rights as such and derives consistent systems of justice is offered by the University of Manchester philosopher Hillel Steiner, who has emphasized the issue of “compossibility” as a necessary characteristic of genuine rights. A set of compossible rights includes only rights that can be exercised at the same time without entailing conflicts. The rights entailed by property in one’s person fulfill that requirement, whereas various alleged “welfare rights,” “national rights,” and so forth do not. Steiner’s principal work is *An Essay on Rights* (Oxford: Blackwell, 1994), which is a dazzling display of analytical rigor, leading to sometimes unexpected results, including a number from which libertarians would typically dissent. (Notably, Steiner endorses what has come to be known as a “Georgist” position on land and natural resources, after the nineteenth-century economist Henry George, according to which all have a right to an equal share of naturally occurring resources, rather than the Lockean position that all have an equal right to appropriate. As the reader can easily imagine, such an apparently slight difference in terms yields extraordinarily different conclusions.)

Another contemporary philosopher who has presented a strong defense of property in one’s person (or “self-ownership”) is Eric Mack, whose essays defending this approach include “Agent-Relativity of Value, Deontic Restraints, and Self-Ownership,” in R. G. Frey and Christopher W. Morris, eds., *Value, Welfare, and Morality* (Cambridge: Cambridge University Press, 1993) and “Personal Integrity, Practical Recognition, and Rights,” *The Monist*, Vol. 76, No. 1 (January 1993). Mack applies the principle of property in one’s person to the particular issue of whether profits from voluntary exchange are justified (in a somewhat technical discussion of the work of philosopher David Gauthier) in his essay “Rights to Natural Talents and Pure Profits: A Critique of Gauthier on Rights and Economic Rent,” in Robin Cowan and Mario J. Rizzo, eds., *Profits and Morality* (Chicago: University of Chicago Press, 1995). (The volume edited by Cowan and Rizzo also contains interesting discussions of the right to earn profits by the economist Israel Kirzner, who delineates the economic concept of profit and de-

fends a “finders-keepers” rule of appropriation, and Jan Narveson, who defends market exchange and justly earned profits from a number of criticisms.)

Other accounts have stressed the general utility of rights. Notable in such accounts are those emphasizing the central role of rights in generating beneficial social cooperation. An interesting example of this kind of argument is found in the British economist Robert Sugden’s essay “Labour, Property, and the Morality of Markets,” in *The Market in History*, B. L. Anderson and A. J. H. Latham, eds. (London: Croom Helm, 1986). A similar approach is taken by the economist and law professor David Friedman in his essay “A Positive Account of Property Rights,” in Ellen Frankel Paul, Fred D. Miller, Jr., and Jeffrey Paul, eds., *Property Rights* (Cambridge: Cambridge University Press, 1994). Both Sugden and Friedman advance “self-ownership” as a salient, or prominent, solution to the problem of who gets to control the “most scarce” of all resources: you and your body.

It is sometimes objected that groups can have rights, too (or perhaps even that groups *are* the basic rights holders, and that individuals are the ones who *may* have rights, too, when the group decides to bestow them, meaning, of course, that they can be taken away again). This issue has again taken center stage in current discussions of such issues as “affirmative action,” the rights of aboriginal tribes, and other concrete issues. A well-thought-out and nuanced treatment of the issue is offered by the political scientist Chandran Kukathas in his essay “Are There Any Cultural Rights?” *Political Theory*, Vol. 20, No. 1 (February 1992). (The social democratic philosopher Will Kymlicka criticizes Kukathas in the same issue of *Political Theory*, and Kukathas responds in Vol. 20, No. 4 [November 1992].)

The extension of recognized imprescriptible rights is to a large extent the measure of civilization. One way of viewing the history of liberty is as the history of the recognition of rights among ever wider groups. The struggle for the rights of women is represented in this reader, notably by Mary Wollstonecraft and the Grimké sisters, but additional treatments of this important subject can be found in Wendy McElroy, ed., *Freedom, Feminism, and the State* (New York: Holmes and Meier, 1991). A defense of modern liberal society, focusing on the possibility of “role complexity” and emphasizing the liberation of women from imposed roles, is offered by Rose Laub Coser, *In Defense of Modernity: Role Complexity and Individual Autonomy* (Stanford: Stanford University Press, 1991). A modern restatement of individualist feminism is Joan Kennedy Taylor, *Reclaiming the Mainstream: Individualist Feminism Rediscovered* (Buffalo, N.Y.: Prometheus Books, 1992).

It would not be appropriate to conclude a discussion of the literature of rights without pointing again to the important work of Robert Nozick mentioned in the first section, *Anarchy, State, and Utopia*. Many things could be said about this interesting and challenging book, but in this context Nozick’s construal of individual rights as “side constraints” on acceptable behavior is especially noteworthy. Nozick argues against what he calls a “utilitarianism of rights,” that is, the view that what we are all called morally to do is to minimize the amount of rights violation, even if we have to violate rights in the process. In response Nozick ar-



gued that the rights of others serve as constraints on our behavior, and not as a quantity to be maximized. Rights are important moral signposts, for they guide us in what we ought to do or refrain from doing. Rights are action-guiding, and systems that require a God's-eye view (as so many of the "positive" welfare rights views do, with various conflicting rights being balanced against each other—and against other interests—by some all-powerful agency) hardly qualify as systems of rights at all.

#### IV. Spontaneous Order

Libertarianism as a *political* theory can perhaps best be understood as the synthesis of two mutually reinforcing theories, one "normative" (containing "ought" statements) and the other "positive" (containing "is" statements). The normative theory is a theory of individual rights; the positive theory is a theory of how order comes about. To understand how these two themes are related, consider the following: If respect for individual rights were to be shown to lead, not to order and prosperity, but to chaos, the destruction of civilization, and famine, few would uphold such alleged rights, and those who did would certainly be held the enemies of mankind. Those who can see order only when there is a conscious ordering mind—socialists, totalitarians, monarchical absolutists, and the like—fear just such consequences from individual rights. But if it can be shown that a multitude of individuals exercising a set of "compossible" rights (as described above, in the section on imprescriptible rights) generates, not chaos, but order, cooperation, and the progressive advance of human well-being, then respect for the dignity and autonomy of the individual would be seen to be not only compatible with, but even a necessary precondition for, the achievement of social coordination, prosperity, and high civilization. Individual rights and spontaneous order are highly complementary elements of libertarianism.

The study of how order can emerge as an unintended consequence of the actions of many individuals is usually referred to as the study of "spontaneous order," and this field of study is one of the most important elements of the libertarian synthesis.

Thomas Paine recognized the immense attractiveness of this combination of order and rights. He defended natural and imprescriptible rights in *The Rights of Man, Part I* (1791), writing: "Natural rights are those which always appertain to man in right of his existence." This was combined in *The Rights of Man, Part II* (1792), with a most remarkable observation: "For upwards of two years from the commencement of the American war, and a longer period in several of the American states, there were no established forms of government. The old governments had been abolished, and the country was too much occupied in defense to employ its attention in establishing new governments; yet during this interval order and harmony were preserved as inviolate as in any country in Europe." (This section is excerpted in this reader.) The advocates of royal power predicted chaos, disorder, disruption, and mass mayhem if one iota of the royal power were to be chal-



lenged, yet here the power of the state was not merely attenuated, but *completely* absent, and people continued to farm, to engage in manufacturing, to trade, to respect one another, and to live in “order and harmony.” The question of how that could be has been a major topic of research for libertarian scholars and social scientists.

Paine was not, of course, the first to make the connection between social order and individual rights (the Spanish Scholastics had explored this territory long before), but as a forceful writer and popularizer he realized how attractive is a political theory based on the combination of a moral theory of imprescriptible rights and a social theory of spontaneous order. The intellectual history of the theory of spontaneous order is mapped out by the polymath economist F. A. Hayek in his essay “The Results of Human Action but Not of Human Design” in *Studies in Philosophy, Politics, and Economics* (Chicago: University of Chicago Press, 1967), which traces the theme from ancient to modern times.

The observation of the self-regulating order of the free market was a most important impetus to the development of a classical liberal or libertarian system of political economy. As the English writer Charles Davenant noted in his 1695 pamphlet “A memorial concerning the coyn of England,” price controls were ineffective, because “Nor can any law hinder B, C, & D from supplying their Wants [for in the] Naturall Course of Trade, Each Commodity will find its Price. . . . The supream power can do many things, but it cannot alter the Laws of Nature, of which the most originall is, That every man should preserve himself.” Joyce Appleby comments on this passage, noting: “Economic writers had discovered the underlying regularity in free market activity. Where moralists had long urged that necessity knows no law, the economic analysts who pursued price back to demand had discovered a lawfulness in necessity, and in doing so they had come upon a possibility and a reality. The reality was that individuals making decisions about their own persons and property were the determiners of price in the market. The possibility was that the economic rationalism of market participants could supply the order to the economy formerly secured through authority” (Joyce Appleby, *Economic Thought and Ideology in Seventeenth-Century England* [Princeton: Princeton University Press, 1978], pp. 187–88).

A seminal figure in the development of the idea of spontaneous order, often quoted and cited by Hayek, was the Scottish thinker Adam Ferguson. In his famous book of 1767, Ferguson pointed out that “nations stumble upon establishments, which are indeed the result of human action, but not the execution of any human design” (see Adam Ferguson, *An Essay on the History of Civil Society* [1767; Cambridge: Cambridge University Press, 1995]). A good overview of the contributions of the thinkers of the “Scottish Enlightenment” is found in Ronald Hamowy’s brief work *The Scottish Enlightenment and the Theory of Spontaneous Order* (Carbondale: Southern Illinois University Press, 1987).

The study of spontaneous order has hardly been limited to economic phenomena. Michael Polanyi, a leading chemist, was moved to reject socialism and embrace free-market liberalism by his realization that the order of science was not,

and could not be, “planned.” When socialist intellectuals announced—as they were wont to do before the collapse of the socialist paradigm—that under “planned science” such-and-such would be discovered in year x, and another fact or theory or principle would be discovered in the next year, all in accordance with a rational plan for society, Polanyi realized that this sort of planning or social engineering was absurd, that one simply could not “plan” scientific progress. Scientific progress simply did not work that way, as Polanyi knew from personal experience. Polanyi applied his considerable intellect to understanding how order could emerge as an unintended consequence of human action, with special—but not exclusive—reference to the natural sciences, in the essays collected as *The Logic of Liberty* (Chicago: University of Chicago Press, 1951). Another classical liberal thinker and philosopher of science, Sir Karl Popper, has pointed out that the idea that one could predict one’s future knowledge in the way the socialists insisted was philosophically incoherent: If one could predict one’s future knowledge, then one would already know it, and the problem of discovery would simply be assumed away. (Popper criticized the idea of historical prediction in his brilliant book *The Poverty of Historicism* [Boston: Beacon Press, 1957]; his critique of collectivist philosophy appeared in *The Open Society and Its Enemies* [Princeton: Princeton University Press, 1950], largely a criticism of Plato, Hegel, and Marx. Other essays on liberty and the open society appeared in *Conjectures and Refutations: The Growth of Scientific Knowledge* [New York: Harper and Row, 1968], notably the essays “Public Opinion and Liberal Principles” and “Utopia and Violence.”) Arguments informed by an examination of the history of science have been employed against both “fundamentalist” and “politically correct” attempts to restrict freedom of expression by the journalist Jonathan Rauch in *Kindly Inquisitors: The New Attacks on Free Thought* (Chicago: University of Chicago Press, 1993).

The noted Italian jurist Bruno Leoni turned his attention to the subject of law itself—the very paradigm of order based on command, in the worldview of antilibertarians—as a system of spontaneous order. Some of his more important English-language lectures and essays are collected together as *Freedom and the Law* (3d ed.; Indianapolis: Liberty Press, 1991) (especially noteworthy is his essay “The Law as Individual Claim”). Much of the discipline that has come to be known as “law and economics” can be traced to the work of Leoni and other libertarian scholars (for example, the Nobel laureate Ronald Coase, whose work will be discussed later), and has focused on understanding how the legal institutions that shape the market, such as property and contract, have emerged over time, without being “planned” by anyone. The scientific literature that has appeared in recent decades is enormous, but a good basic overview is provided by the Icelandic economist Thráinn Eggertsson in his *Economic Behavior and Institutions* (Cambridge: Cambridge University Press, 1990) and by Oliver E. Williamson in his *The Economic Institutions of Capitalism* (New York: The Free Press, 1985).

There is also a vast literature that uses the mathematical and conceptual apparatus of “game theory,” or the formal study of strategic interaction, to study the

emergence of spontaneous order and cooperation. A particularly good introduction to these themes is found in the English economist Robert Sugden's *The Economics of Rights, Co-operation, and Welfare* (Oxford: Basil Blackwell, 1986), which also provides a good introduction for the nonspecialist to the techniques and theorems of game theory. (Sugden provides in a way a masterful updating of the work of David Hume on the emergence of spontaneous order.) A more mathematically challenging and technical approach is found in Michael Taylor's *The Possibility of Cooperation* (Cambridge: Cambridge University Press, 1987). A path-breaking use of the theory of games, using computerized tournaments between programmed strategies to study how cooperation can emerge even under specified adverse conditions (known as a "prisoner's dilemma"), is found in the political scientist Robert Axelrod's *The Evolution of Cooperation* (New York: Basic Books, 1984).

The study of spontaneous order has been most systematically undertaken by economists, whose enterprise was placed on that track by Adam Smith, who used the metaphor of the "invisible hand" (already prominent in discussions of the subject) in his work *An Inquiry into the Nature and Causes of the Wealth of Nations* (1776) to describe how man "is led to promote an end which is no part of his intentions." Smith thereby set much of the scientific research agenda of economics for the next two centuries. A particularly noteworthy work that helped to place modern social sciences on a secure foundation and that emphasized the tracing of complex systems of order to the actions of individuals is the Austrian economist Carl Menger's *Problems of Economics and Sociology* (1883; Urbana: University of Illinois Press, 1963).

The idea of spontaneous order, even within the study of economic phenomena, is not limited to the study of the price system of the market economy but has been extended to the very institution of money, through which price ratios are expressed. Carl Menger, in *Principles of Economics* (1871; New York: New York University Press, 1981), showed how money emerges as an unintended byproduct of barter and thereby makes possible ever more complex forms of exchange. Institutions that provide complex monetary instruments, such as bank notes, also emerged as the unintended byproducts of acts of saving and lending. The history of "free banking," in which spontaneous monetary orders and complex systems of economic coordination are the results of voluntary interactions, is examined by economist Lawrence H. White in *Free Banking in Britain: Theory, Experience, and Debate, 1800–1845* (Cambridge: Cambridge University Press, 1984), and the economic analysis of free banking is undertaken by economist George A. Selgin in *The Theory of Free Banking: Money Supply Under Competitive Note Issue* (Totowa, N.J.: Rowman and Littlefield, 1988). (Both White and Selgin present evidence that free-banking systems offer greater stability, without economic cycles, than do systems of centralized state-controlled banking.) These studies of free banking are important not only because they offer the possibility of a society in which it is not necessary for the state to control the "commanding heights" of the economy, with all of the potential for abuse and malfeasance that that power represents,

but also because they show that order can and does emerge precisely where it is so often assumed to be impossible.

The omnipresence and manifest importance of the price system of the market economy has offered a fertile field to economists interested in the study of spontaneous order (see Hayek's seminal essay "The Use of Knowledge in Society" in this reader), and it is understandable therefore that the systematic study of spontaneous order should have reached a higher state of development in this field, but this should not blind us to the importance of spontaneous order in law, morality, and many other kinds of human interaction.

## V. Free Markets and Voluntary Organization

It may help to examine the market system and its importance in libertarian thought by seeing it in light of the problem of spontaneous order discussed in the previous section. Socialists see markets and see disorder, chaos, and irrationality, and insist that rationality simply demands that order be imposed on this anarchistic system by the state. Karl Marx himself complained of the "anarchy" of "capitalism," a complaint that would come to be characteristic of almost all criticisms of free-market economies. The remedy such critics offered, of course, was to replace markets with one form or another of state direction.

The issue of whether socialism could in fact create order, rather than chaos, was raised by Ludwig von Mises in his 1920 essay "Economic Calculation in the Socialist Commonwealth." This and other essays are available in F. A. Hayek, ed., *Collectivist Economic Planning: Critical Studies on the Possibilities of Socialism* (1935; Clifton, N.J.: Augustus M. Kelley Publishers, 1975). Mises argued in this essay and in his later work *Socialism: An Economic and Sociological Analysis* (1922; London: Jonathan Cape, 1936, 1951) that socialist planners would not be able to determine how to achieve the ends they set forth, for they would not know what was the least costly method of production in the absence of the prices (or exchange ratios) that are generated through exchanges of property rights in a market. "Socialism," he concluded, "is the abolition of rational economy." This challenge to socialism led naturally to greater interest in how markets solve the problems of economic calculation, an issue addressed by F. A. Hayek in "The Use of Knowledge in Society," presented in this reader, and the integration of the understanding of the market economy into the general theme of spontaneous order that I have argued above is central to modern libertarianism. (Other good treatments of the socialist calculation problem include Don Lavoie's *Rivalry and Central Planning: The Socialist Calculation Debate Reconsidered* [Cambridge: Cambridge University Press, 1985] and his more popular and accessible *National Economic Planning: What Is Left?* [Cambridge, Mass.: Ballinger, 1985], as well as David Ramsay Steele's *From Marx to Mises* [La Salle, Ill.: Open Court, 1992], while the problem of how dispersed knowledge is made useful in complex social orders is examined in great detail by Thomas Sowell in *Knowledge and Decisions* [New York: Basic Books, 1980].)

A number of economics treatises have been written that offer the reader a thorough introduction to understanding the market economy, as have numerous outstanding economics textbooks. It would be impossible to do justice to them, or even barely to scratch the surface of the extant economics literature, but a few major works are especially noteworthy for those interested in exploring libertarian political economy. First is Ludwig von Mises, *Human Action: A Treatise on Economics* (New Haven: Yale University Press, 1949, and many subsequent editions), which is far more than merely a treatise on economics. Mises offers a systematic view of the problems of social organization, from psychology to capital theory. Another work, written in a similarly classical treatise style and following in Mises's footsteps, is Murray N. Rothbard, *Man, Economy, and State* (Los Angeles: Nash, 1970), which most American readers will likely find less difficult than Mises's work, which was written originally in German and bears the marks of a distinguished Continental scholar. Rothbard also wrote a sequel to his treatise, *Power and Market: Government and the Economy* (2d ed.; Kansas City, Mo.: Sheed Andrews and McMeel, 1977), which focused on the study of government intervention.

Perhaps the best book for someone entering into the study of economics for the very first time is Henry Hazlitt's wonderful short book, published in 1946, *Economics in One Lesson* (2d ed.; New Rochelle, N.Y.: Arlington House, 1985), which updates and applies the insights of the great classical economists to issues of contemporary policy.

Markets are significant for the way in which they can overcome racism, tribalism, and irrational prejudice and can replace enmity and war with friendship and peace. As F. A. Hayek was fond of pointing out, the ancient Greek verb *καταλλάσσω* (*katallásson*) means to welcome into one's village, to reconcile, to change an enemy into a friend, or to exchange. As the historian Geoffrey Parker noted in his study of the Dutch rebellion against the taxing and religious policies of the Spanish king, there was "violent opposition" to his policies because "so many heretics came to Antwerp to trade that its prosperity would be ruined if a resident inquisition were introduced" (*The Dutch Revolt* [New York: Viking Penguin, 1988], p. 47).

Despite all of the language of "market takeovers" and "price wars," the market is a forum for voluntary persuasion, as Adam Smith emphasized in his *Lectures on Jurisprudence* when discussing the price system: "If we should enquire into the principle in the human mind on which this disposition of trucking [i.e., of trading] is founded, it is clearly on the naturall inclination every one has to persuade. The offering of a schilling, which to us appears to have so plain and simple a meaning, is in reality offering an argument to persuade one to do so and so as it is for his interest" (Adam Smith, *Lectures on Jurisprudence* [Indianapolis: Liberty Classics, 1982], p. 352).

It is often argued that markets are fine for many or even most purposes, but that they systematically fail and must be supplemented or overridden by coercive state power. This "market failure" approach argues that the state must either in-



tervene to change the conditions of trade for the production and exchange of certain goods and services (usually referred to, somewhat misleadingly, as “regulation”) or produce the goods and services itself (usually referred to as the production of “public goods”).

A useful application of the insights gained from the socialist calculation debate to government’s regulatory interventions into a fundamentally market economy is found in Israel Kirzner’s essay “The Perils of Regulation,” in his book *Discovery and the Capitalist Process* (Chicago: University of Chicago Press, 1985), which argues that coercive regulation by the state short-circuits the market’s discovery processes. There is, in addition, an enormous volume of published empirical research on the issue of “government failure” and the harmful consequences for consumers of the edicts of governmental regulatory agencies. (A visit to the library to inspect such journals as the *Journal of Political Economy*, the *Journal of Law and Economics*, the *American Economic Review*, the *Cato Journal*, *Public Choice*, or any number of others would give the reader a taste of the literature available.) Some of the main themes derived from this vast array of studies of government failure and the free-market alternative are presented in a popular style in *Free to Choose* (New York: Harcourt Brace Jovanovich, 1980) by Milton and Rose Friedman, especially the chapters “Who Protects the Consumer?” and “Who Protects the Worker?”

The issue of public goods, which plays so large a role in the justification of governmental coercion, has also generated a huge literature, both critical of the state’s ability to produce authentically “public” goods and revealing of how voluntary organization succeeds in producing public goods. In general, public goods are defined by reference to two characteristics: Once a public good is produced, it may be costly to exclude noncontributors from its enjoyment (exclusion costs), and the consumption of the good by one person does not diminish the consumption of the good by another (nonrivalrous consumption). The standard example of a public good that could not be produced on the market was for many years the lighthouse, which throws out its light beam to be seen by all, whether they have paid or not (one cannot exclude the nonpayers from seeing it), and sighting the beam does not necessarily mean that there is “less” of a beam for another to see (nonrivalrous consumption). This paradigm case was examined by Nobel laureate in economics Ronald Coase in a classic essay, “The Lighthouse in Economics” (*Journal of Law and Economics*, Vol. 17, No. 2, October 1974; reprinted in R. H. Coase, *The Firm, the Market, and the Law* [Chicago: University of Chicago Press, 1988]), which examined the actual history of how lighthouses were produced by private enterprise in England and concluded that “economists should not use the lighthouse as an example of a service which could only be provided by the government.” Many similar examples, along with classic essays on the topic (including Paul Samuelson’s seminal case for state provision of public goods), are collected by Tyler Cowen in *Public Goods and Market Failures: A Critical Examination* (New Brunswick, N.J.: Transaction Publishers, 1992), which is probably the best volume of essays on the subject.



economic aspect with ethical questions about fairness and justice, are Anthony de Jasay, *Social Contract, Free Ride: A Study of the Public Goods Problem* (Oxford: Oxford University Press, 1989), and David Schmidtz, *The Limits of Government: An Essay on the Public Goods Argument* (Boulder, Colo.: Westview Press, 1991).

One subclass of the public goods argument concerns the environment. “Environmental economics” has become especially relevant in recent years, as many policy debates have emerged regarding the proper role of government in this area. Ronald Coase, again, set much of the research agenda in this area with his essay “The Problem of Social Cost” (*Journal of Law and Economics* 3, October 1960; reprinted in *The Firm, the Market, and the Law*), in which he showed that the problem of “externalities” (smoke is normally considered a “negative externality,” because it harms people who were not part of the decision to produce the smoke) could be understood in terms of a lack of property rights; most externality problems arise from government’s failure clearly to define or to protect property rights. An outstanding and very readable primer on the economics of the environment, using a property rights approach, is *Free Market Environmentalism* (San Francisco: Pacific Research Institute, 1991) by Terry L. Anderson and Donald R. Leal.

An important objection that has been raised against markets is that they fail to generate a proper “distribution” of income: Markets are unfair, or generate politically unstable distributions of wealth, or are responsible for “the rich getting richer, and the poor getting poorer.” There are many issues tied up in these claims, but two good libertarian analyses of the ethics of redistributionism, employing economic reasoning but abstracting from the practical issue of incentives to produce when the fruits of one’s labor are taken away, are the French political scientist Bertrand de Jouvenel’s brilliant essay *The Ethics of Redistribution* (1951; Indianapolis: Liberty Press, 1990) (excerpted in this reader) and the German economist Ludwig Lachmann’s essay “The Market Economy and the Distribution of Wealth” (in Ludwig Lachmann, *Capital, Expectations, and the Market Process* [Walter E. Grinder, ed.; Kansas City, Mo.: Sheed Andrews and McMeel, 1977]), in which Lachmann distinguished between “ownership” (or property), which is a legal concept, and “wealth,” which is an economic concept. As we all know, wealth can change dramatically without any changes in ownership, as the value of one’s property goes up and down due to the valuation of it by others and their estimation of how it will fit into their production plans. Thus, as Lachmann shows, “The market process is . . . a leveling process. In a market economy a process of redistribution of wealth is taking place all the time before which those outwardly similar processes which modern politicians are in the habit of instituting, pale into comparative insignificance.”

Of course, attempts to alter the ever-changing pattern of wealth holdings by force, through taxation and other forms of coercive redistribution of property, can generate most unwelcome consequences, as the contemporary experience with the welfare state shows. A careful empirical study of the effects of redistribution on the poor in America was undertaken by the social scientist Charles Murray

and published as his pathbreaking *Losing Ground: American Social Policy, 1950–1980* (New York: Basic Books, 1984), which pointed out the growth of dependency and the breakdown of family life and civil society brought about by the welfare state. Not only does the welfare state undercut institutions such as the family, but it also systematically displaces the many other institutions of civil society by which the poor are assisted and solidarity is fostered. The long-neglected history of “mutual aid” has recently received renewed attention, thanks partly to the careful historical research of the British historian and political scientist David Green, especially in his study of the voluntary provision of medical care in Britain, *Working Class Patients and the Medical Establishment: Self-Help in Britain from the Mid-Nineteenth Century to 1948* (New York: St. Martin’s Press, 1985), which shows how the libertarian working people’s organizations of earlier years fought against socialized medicine, and in his more recent study *Reinventing Civil Society: The Rediscovery of Welfare Without Politics* (London: Institute of Economic Affairs, 1993). The American scene has been studied by the historian David Beito, notably in his essay “Mutual Aid for Social Welfare: The Case of American Fraternal Societies” (*Critical Review* 4, Fall 1990), and by Richard Cornuelle, in his *Reclaiming the American Dream: The Role of Private Individuals and Voluntary Associations* (New Brunswick, N.J.: Transaction, 1993). As Cornuelle and others have pointed out, the free society is a society characterized by voluntary relations, of which market exchanges are only one category. A wide range of organizations are possible, and common, under freedom, including charities, self-help associations (such as Alcoholics Anonymous, an organization of recovering alcoholics who help each other to overcome their weaknesses), religious institutions, and much, much more. Just as socialism displaces profit-making firms from producing goods, so welfare statism displaces mutual aid organizations, families, churches, and fraternal organizations from producing solidarity, upward social mobility, and care for the least fortunate.

An especially important application of the understanding of markets is the maintenance of harmony and concord among people of different races, religious creeds, and nations. As markets are forums for persuasion, so they are opportunities for peaceful cooperation. A good introduction to the economic analysis of racial relations is the work of the economist and historian Thomas Sowell, *Markets and Minorities* (New York: Basic Books, 1982). The deleterious effects on minorities of state intervention in the market are examined in Walter Williams, *The State Against Blacks* (New York: McGraw-Hill, 1982). And the history of “Jim Crow” laws, which forcibly separated African-Americans and whites and relegated African-Americans to “the back of the bus,” is set forth by economic historian Jennifer Roback in a number of studies, including “Southern Labor Law in the Jim Crow Era: Exploitative or Competitive?” *University of Chicago Law Review* 51 (Fall 1984), and “The Political Economy of Segregation: The Case of Segregated Streetcars,” *Journal of Economic History* 46 (December 1986). Law professor David Bernstein, in “Roots of the ‘Underclass’: The Decline of Laissez Faire Jurisprudence and the Rise of Racist Labor Legislation,” *American University Law Review* 43 (Fall

1993), and “Licensing Laws: A Historical Example of the Use of Government Regulatory Power Against African-Americans,” *San Diego Law Review* 31 (Winter 1994), has examined facially neutral regulations that had the effect and sometimes the purpose of restricting economic opportunity for African-Americans. The more recent attempts to assist the victims of previous state interventions, often known as “affirmative action,” are analyzed by civil-rights lawyer Clint Bolick in *The Affirmative Action Fraud* (Washington: Cato Institute, 1996).

Finally, it should be noted that although markets are not “perfect,” neither is any other form of human interaction. Those who identify “market failure” by comparing the outcome of market interactions with some ideal outcome should do the same with government. Rather than comparing imperfect markets with perfect government, which is the normal approach of critics of the market, we should compare imperfect markets with imperfect government. In his witty book *Capitalism* (Oxford: Basil Blackwell, 1990), Arthur Seldon turns the tables on antilibertarians and compares imperfect governments with perfect markets, a clever move to show how unreasonable many proposals for substituting government coercion for market persuasion really are.

## VI. Justice and Political Organization

It was claimed above that a belief in imprescriptible individual rights is a hallmark of libertarianism. Rights necessarily entail obligations on others. It is therefore a hallmark of libertarianism to maintain that all humans are under certain obligations. But what are those obligations? In general, we can say that the obligations are of a “negative” kind, that is, that one abstain from action harmful to the rights of others. Such obligations are universal, in the sense that they are binding on all moral agents, and “compossible,” in the sense that they are all simultaneously possible of realization.

Of course, there are “positive” obligations, as well, such as the obligation to pay a dollar for the cup of coffee I drank this morning. This obligation is a particular one: I (and no one else) must pay the owner of the café (and no one else) an agreed-upon amount for the cup of coffee. John Locke and others in the libertarian tradition have insisted that all such particular obligations have to be based on consent. In contrast, nationalists, socialists, racists, and other sorts of collectivists typically insist that one has a multitude of particular obligations to which one did *not* consent, but to which one was born, as a member of a particular nation, class, or race. (Some of the better-articulated of these ideas are discussed in the last section, under the rubric of “communitarian” critics of libertarianism.)

Contract was a central element of Roman law, as the great Roman jurist Gaius noted in his famous *Institutes*: “We turn now to obligations. They divide first into two: all obligations arise from a contract or from a delict” (a delict is a violation of law or offense to another). The argument that government should be based on the principles of contract, which played so important a role in the American founding (see the Declaration of Independence, reprinted in this reader), has a

long history. The noted historian Quentin Skinner has stated, in his *Foundations of Modern Political Thought: Volume Two, The Age of Reformation* (Cambridge: Cambridge University Press, 1978), “The idea that any legitimate polity must originate in an act of consent was of course a scholastic commonplace, one which the followers of Ockham no less than Aquinas had always emphasised” (p. 163). A typical example of the importance of consent, and of the retained right of the people to “alter or abolish” (in Thomas Jefferson’s phrase) government when it overstepped its legitimate bounds was found in the ancient coronation ceremony of the kings of Aragon, in which the peers declared: “We who are as good as you, make you our king, on condition that you keep and observe our privileges and liberties; and if not, not.”

This principle was carefully enunciated by the brilliant Whig writer Algernon Sidney, who was executed by the English king’s forces (and was therefore referred to by Jefferson as “the Martyr Sidney”), when he identified himself in his *Discourses Concerning Government* (1698; Thomas G. West, ed., Indianapolis: Liberty Classics, 1990) as, “I, who deny any power to be just that is not founded upon consent.” John Locke insisted in his *Second Treatise of Government* that “no Government can have a right to obedience from a people who have not freely consented to it.”

The argument that one has nonconsensual particular obligations to particular political organizations is subjected to withering criticism by A. John Simmons in *Moral Principles and Political Obligations* (Princeton: Princeton University Press, 1979) and in his later updating of Locke’s philosophy of government, *On the Edge of Anarchy: Locke, Consent, and the Limits of Society* (Princeton: Princeton University Press, 1993).

Various attempts have been made to reconcile government—or institutions to protect individual rights—with consent, that is, to establish the legitimacy of government. It is certainly clear that most governments (or states, to use the more precise term) around the world did not originate in acts of consent on the part of the populations over which they rule. (Dictatorships, absolute monarchies, and the like are obvious examples.) To that extent, libertarians would certainly consider them illegitimate. Indeed, Lysander Spooner (in his essay in this reader) and other radical libertarians argued that all existing states were illegitimate, and that no one was bound to obey them, except in so far as their commands coincided with one’s natural and universally valid obligations to respect the rights of others.

Some libertarians have argued that profit-making business firms competing in free markets can provide defense from aggression more efficiently than monopoly states, and without violating fundamental rights in the process. This is clearly at least partly true, as there are far more private law enforcement agents (security guards, bail bondsmen, and so on) in America than there are governmentally employed police, and rights violations by private security guards, while greater than zero, are a tiny fraction of rights violations by members of the police and other state enforcement agencies. It was this argument by Murray N. Rothbard, as ar-

state enforcement agencies. It was this argument by Murray N. Rothbard, as articulated in books such as his *For a New Liberty: The Libertarian Manifesto* (2d ed.; New York: Macmillan, 1978), that inspired Robert Nozick to defend strictly limited monopoly government in his *Anarchy, State, and Utopia* (New York: Basic Books, 1974), which offers an ingenious argument for limited government that does not violate rights.

The argument of Rothbard, that protection from aggression can be considered a service to be provided on the market, has also been defended by law professor (and former prosecutor) Randy Barnett in a two-part essay, "Pursuing Justice in a Free Society: Part One—Power vs. Liberty; Part Two—Crime Prevention and the Legal Order" (*Criminal Justice Ethics*, Summer/Fall 1985, Winter/Spring 1986). The economist Bruce Benson presents a useful history and economic analysis of voluntary provision of law in *The Enterprise of Law* (San Francisco: Pacific Research Institute, 1990). (Such approaches typically rest on the claim that restitution, or making the victim whole again, is preferable to punishment, or harming the perpetrator without making the victim whole again, and that the incentive to obtain restitution can drive a more efficient and humane legal system. Two scholarly and fascinating studies of how a stateless society with a restitution-based legal system functioned are found in William I. Miller's *Bloodtaking and Peacemaking: Feud, Law, and Society in Saga Iceland* [Chicago: University of Chicago Press, 1990] and Jesse Byock's *Medieval Iceland* [Berkeley: University of California Press, 1988].)

The model that Rothbard advocates is easily misunderstood, as it sometimes seems from his writings that law and justice are merely commodities to be purchased like hamburgers or lawn fertilizer on a free market. But since law and justice are what define markets, it seems rather odd, if not contradictory, to see them as the product of markets. This misunderstanding is easily corrected by examining contractual models of government, in which one does not "buy" particular commodities, but buys or agrees to sets of rules that are subsequently binding on one. Especially illuminating are those accounts that take as their starting point actually existing contractual governments, such as neighborhood associations, condominium associations, and "proprietary communities." Economists Donald J. Boudreaux and Randall G. Holcombe provide a model of the contractual provision of public goods, including arbitration and security, in their essay "Government by Contract" (*Public Finance Quarterly*, Vol. 17, No. 3, July 1989) and Fred Foldvary expands greatly on this approach in his outstanding work *Public Goods and Private Communities: The Market Provision of Social Services* (Aldershot, U.K.: Edward Elgar, 1994).

Other libertarians, citing the difficulties of obtaining the unanimity of consent that would be necessary to generate such legitimacy, have established unanimity as an ideal toward which one might aspire, even if it is never to be realized. Especially influential examples of this approach from the field of "public choice" or "constitutional economics" can be found in the work of James Buchanan and Gordon Tullock, notably *The Calculus of Consent* (Ann Arbor: University of Michi-



gan, 1962), and in Buchanan's *The Limits of Liberty: Between Anarchy and Leviathan* (Chicago: University of Chicago Press, 1975). (A similar "second-best" approach to the legitimacy of government is found in Richard Epstein's *Simple Rules for a Complex World*.)

The theme of imprescriptible rights plays an important role in the legitimacy of government, for, as Thomas Jefferson insisted in the Declaration of Independence, some of our rights are *inalienable*. Even if we were to want to give these rights away to another person, we could not do so; it would be a violation of our very nature. "Voluntary slavery" is impossible, much as a spherical cube or a living corpse is impossible. Thus, a tyrannical government that attempted to destroy us or to take away all of our liberties would be ipso facto illegitimate; there are limits to the legitimate power of government, even when it has been constituted through initial acts of consent. The standard or canonical libertarian account of the origins and limitations of legitimate government is still to be found in John Locke's *Second Treatise of Government*, especially the chapters "Of the Beginning of Political Societies" and "Of the Dissolution of Government."

## VII. Violence and the State

If it is the case that most states around the world are illegitimate, how did they come to have the unjust powers that they effectively claim? The historical answer is fairly clear, as Thomas Paine noted in *Common Sense* in dismissing the claims to legitimacy of the English monarchy: "No man in his senses can say that their claim under William the Conqueror is a very honourable one. A French bastard landing with an armed banditti, and establishing himself king of England against the consent of the natives, is in plain terms a very paltry rascally original.—It certainly hath no divinity in it." States originate in conquest and flourish through war.

If we consider the issue of the origins of states from the perspective of the different means to the accumulation of wealth (by no means the only way to consider the issue, but certainly a fruitful one), we may turn to a useful treatise by the German sociologist Franz Oppenheimer, *The State* (1914; New York: Free Life Editions, 1975). Oppenheimer noted that "there are two fundamentally opposed means whereby man, requiring sustenance, is impelled to obtain the necessary means for satisfying his desires. These are work and robbery, one's own labor and the forcible appropriation of the labor of others." The former he termed "the economic means" and the latter "the political means." "The state," he wrote, "is an organization of the political means." (The thesis that states originated in acts of conquest was woven through the history of civilization by Alexander Rüstow in his *Freedom and Domination: A Historical Critique of Civilization*, discussed earlier.)

The thesis that "war makes the state, and states make war" has been advanced by Charles Tilly (notably in his essay "War Making and State Making as Organized Crime," in Peter Evans, Dietrich Rueschemeyer, and Theda Skocpol, eds.,



*Bringing the State Back In* [Cambridge: Cambridge University Press, 1985], and in his book *Coercion, Capital, and European States, AD 990–1992* [Oxford: Blackwell, 1992]) and presented in a more accessible form by political scientist Bruce D. Porter in his *War and the Rise of the State: The Military Foundations of Modern Politics* (New York: Free Press, 1994). (Another careful study of this theme by a distinguished historian is Otto Hintze, “Military Organization and the Organization of the State,” in Felix Gilbert, ed., *The Historical Essays of Otto Hintze* [Oxford: Oxford University Press, 1975].) A horrifying tabulation of how many people have been killed by states in this century is presented by political scientist R. J. Rummel in *Death by Government* (New Brunswick, N.J.: Transaction, 1994). *Excluding war dead*, he tabulates 169,202,000 people “murdered by government, including genocide, politicide, and mass murder” between 1900 and 1987. Libertarians typically ask how one can expect an institution with such a bloody and savage record to accomplish all of the wondrous and humanitarian ends assigned to it by collectivists. This is no refutation of the collectivist arguments, of course, but it should at least raise questions about the appropriateness of the means chosen to the attainment of the ends. That the association of the state with war is not limited to the distant historical past is made evident by the experience of the twentieth century, when government power has grown by leaps and bounds through war. A good historical study of the growth of the American state and its association with war is found in the economic historian Robert Higgs’s *Crisis and Leviathan: Critical Episodes in the Growth of American Government* (Oxford: Oxford University Press, 1987).

It is frequently assumed that the emergence of militarily organized territorial monopolies over violence (that is, states), extending their powers through conquest, is the only conceivable or even normal form of political organization. Counterexamples are presented by Hendrik Spruyt in *The Sovereign State and Its Competitors* (Princeton: Princeton University Press, 1994), which examines other forms of political organization, often of a far more voluntary nature, such as the Hanseatic League of German merchants, and forms of nonterritorial organization, such as the Roman Church and the Holy Roman Empire.

Institutions that have seized and legitimized territorial monopolies have an advantage in their ability to “socialize” costs, that is, to spread costs over a “captive” population. By imposing relatively small costs on large numbers of people, great wealth can be accumulated and delivered to relatively small numbers of people. This process is sometimes referred to in the technical economics literature as “rent-seeking,” and it is made possible by the different “transaction costs” faced by large and small groups. As Milton Friedman has observed, in every country where farmers form a large majority of the population, they are brutally oppressed and squeezed for the benefit of the much smaller urban population. But wherever farmers are in the minority, many of them manage to squeeze enormous sums of money from the much larger urban population, through governmentally guaranteed high prices, government purchases of surpluses at above market rates, acreage allotments, payments not to farm, and on and on. This

seems a paradox, at least in democracies. But it is easily understood when we realize that the costs of becoming informed and of organizing (identifying one another as having common interests, coming together, agreeing on ends, and so forth) can be very high for large groups, but disproportionately smaller for smaller groups. As the sociologist Gaetano Mosca noted in his classic study of group conflict, “The dominion of an organized minority, obeying a single impulse, over the unorganized majority is inevitable. The power of any minority is irresistible as against each single individual in the majority, who stands alone before the totality of the organized minority. At the same time, the minority is organized for the very reason that it is a minority. A hundred men acting in concert, with a common understanding, will triumph over a thousand men who are not in accord and can therefore be dealt with one by one. Meanwhile it will be easier for the former to act in concert and have a mutual understanding simply because they are a hundred and not a thousand. It follows that the larger the political community, the smaller will the proportion of the governing minority to the governed majority be, and the more difficult it will be for the majority to organize for reaction against the minority” (Gaetano Mosca, *The Ruling Class* [1896; New York: McGraw-Hill, 1939], p. 53).

The study of wealth transfers of this kind was of great interest to the members of the Italian school in fiscal theory, most of whom were libertarians, who raised the topic to the status of a science. Noteworthy among them were the social scientist Vilfredo Pareto (see Vilfredo Pareto: *Sociological Writings*, S. E. Finer, ed. [Totowa, N.J.: Rowman and Littlefield, 1976], especially pp. 114–20, 137–42, 162–64, 270, 276–78, 315, and 317–18 on what he termed “spoliation”). Pareto and his colleagues revealed the phenomenon of “rational ignorance” and its role in perpetuating the tyranny of special interests. As Pareto noted, “Very many economic matters are so complicated that few people have even a superficial understanding of them. Amongst the people who use sugar there is not one in a thousand who is aware of the appropriation of wealth that goes on under the system of production-subsidies.” Pareto explained how the state can disperse costs over large groups and concentrate benefits among small groups through a simple story: “Let us suppose that in a country of thirty million inhabitants it is proposed, under some pretext or other, to get each citizen to pay out one franc a year, and to distribute the total amount amongst thirty persons. Every one of the donors will give up one franc a year; every one of the beneficiaries will receive one million francs a year. The two groups will differ very greatly in their response to the situation. Those who hope to gain a million a year will know no rest by day or night. They will win newspapers over to their interest by financial inducements and drum up support from all quarters. A discreet hand will warm the palms of needy legislators, even of ministers [of government]. . . . In contrast, the individual who is threatened with losing one franc a year—even if he is fully aware of what is afoot—will not for so small a thing forgo a picnic in the country, or fall out with useful or congenial friends, or get on the wrong side of the mayor or

*prefet!* In these circumstances the outcome is not in doubt: the spoliators will win hands down.”

Other pioneers of the scientific study of government policy include Giovanni Montemartini (see his “The Fundamental Principles of a Pure Theory of Public Finance,” in *Classics in the Theory of Public Finance*, Richard A. Musgrave and Alan T. Peacock, ed. [3d ed.; New York: St. Martin’s Press, 1994]), Amilcare Puviani, Maffeo Pantaleoni, and the first president of the postwar Italian Republic, Luigi Einaudi. Nobel laureate in economics James Buchanan offers a study of the roots of public choice economics in the Italian school in his essay “‘La Scienze delle Finanze’: The Italian Tradition in Fiscal Theory,” in James Buchanan, *Fiscal Theory and Political Economy* (Chapel Hill: University of North Carolina Press, 1960).

Since, in complex societies that have progressed beyond simple lord/peasant arrangements of social differentiation, virtually every person is a member of some economic or social minority, each person faces a similar incentive to try to extract wealth from the many through special favors and subsidies. Thus, as Frederic Bastiat observed, in modern times, “The state is the great fictitious entity by which everyone seeks to live at the expense of everyone else” (in his essay “The State,” in Frederic Bastiat, *Selected Essays on Political Economy* [Irvington-on-Hudson, N.Y.: Foundation for Economic Education, 1968]). The coercive extraction of wealth is often referred to (rather unfortunately) in the economics literature as “rent-seeking,” a term, according to James Buchanan, “designed to describe behavior in institutional settings where individual efforts to maximize value generate social waste rather than social surplus.” The systematic study of this system of what Bastiat called “reciprocal plunder” and technical economists refer to as the “rent-seeking society” has generated a massive literature, which would be impossible to survey here. A good place to start, however, would be James M. Buchanan, Robert D. Tollison, and Gordon Tullock, eds., *Toward a Theory of a Rent-Seeking Society* (College Station: Texas A & M University Press, 1980).

What libertarians conclude from historical study and from economic and sociological analysis of the activity of the state is that, if the state cannot be replaced by other—voluntary—forms of organization, it must be carefully limited. Even if necessary, the state remains what Thomas Paine termed in *Common Sense* “a necessary evil,” one that must always be watched over and guarded against. In the 1798 Kentucky Resolutions protesting the Alien and Sedition Acts, Thomas Jefferson maintained that “free government is founded in jealousy, not in confidence; it is jealousy and not confidence which prescribes limited constitutions, to bind down those whom we are obliged to trust with power.” Domestically, the state must be restrained by the constitution and a vigilant population, and in foreign relations it must be held back from opportunities for conflict with foreign states. In his Farewell Address, George Washington counseled, “The great rule of conduct for us, in regard to foreign Nations is in extending our commercial relations to have with them as little *political* connection as possible.” It is principally for this reason—the maintenance of peace and international harmony—that libertarians have favored freedom of trade, for in engaging in trade ties of amity and

interest are established, and occasions for war avoided. As Washington maintained in the Farewell Address, “Harmony, liberal intercourse with all Nations, are recommended by policy, humanity and interest.” (Most of Jefferson’s essential writings can be found in Merrill D. Peterson, ed., *The Portable Jefferson* [New York: Viking Press, 1975]. A good collection of Washington’s writings is W. B. Allen, ed., *George Washington: A Collection* [Indianapolis: Liberty Classics, 1988].)

## VIII. Critics of Libertarianism

As long as people have yearned for a society of free and equal individuals, in which relations between people are determined by consent, rather than by coercion, there have been critics who have argued that such a system would be unworkable, chaotic, or immoral, that individuals would be alienated and deracinated, or that voluntary cooperation on a large scale is impossible because the interests of individuals are inherently conflicting and can only result in violence.

Perhaps the earliest, and probably the most influential and brilliantly presented, of such criticisms is to be found in *The Republic*, the dialogue written by the Greek philosopher Plato. Many of the ideas of the so-called Sophists (now largely a term of abuse, thanks to the brilliant polemics of Plato, their relentless critic) can be identified as protolibertarian, and as defenses of the emerging liberty, commerce, and toleration (relative to its predecessors and neighbors) of the Greek world. In Book II of *The Republic*, Adeimantus and Socrates discuss the emergence of markets, voluntary coordination, and what we would call civil society, and Adeimantus concludes that justice lies in “some need . . . men have of one another” (372a), a view that foreshadows David Hume and the thinkers of the Scottish Enlightenment. This line of thought is interrupted by Glaucon, who describes such a city as “a city of sows” (372d). Plato then has Socrates assert that the desire for luxury among such men will lead to conflict with their neighbors, for “the land, of course, which was sufficient for feeding the men who were then, will now be small although it was sufficient. . . . Then we must cut off a piece of our neighbors’ land, if we are going to have sufficient for pasture and tillage, and they in turn from ours, if they let themselves go to the unlimited acquisition of money, overstepping the boundaries of the necessary . . . [and] after that won’t we go to war as a consequence, Glaucon?” (372d-e). And with war will come the state, and the end of the voluntary society.

This argument alleging an ultimate irreconcilability of human ends and aspirations also plays a role in the thinking of many critics of libertarianism—notably among collectivist racial and nationalist ideologies, according to which the interests of different races or nations are in irreconcilable conflict—and has proven a formidable opponent to libertarian views. A good statement of a libertarian response, showing the possibility of human cooperation when rules of just conduct are in place, can be found in *Human Action: A Treatise on Economics* (New Haven: Yale University Press, 1949, and many subsequent editions), by Ludwig von

Mises, especially the treatment of what Mises called the “Ricardian law of association,” which is something of an updated and more sophisticated defense of the principle that Adeimantus had proposed thousands of years earlier. As Mises notes:

The fundamental facts that brought about cooperation, society, and civilization and transformed the animal man into a human being are the facts that work performed under the division of labor is more productive than isolated work and that man’s reason is capable of recognizing this truth. But for these facts men would have forever remained deadly foes of one another, irreconcilable rivals in their endeavors to secure a portion of the scarce supply of means of sustenance provided by nature. Each would have been forced to view all other men as his enemies; his craving for the satisfaction of his own appetites would have brought him into an implacable conflict with all his neighbors. No sympathy could possibly develop under such a state of affairs.

The *locus classicus* of the claim that libertarianism leads to alienation and atomism is found in the writings of Karl Marx, another enormously influential critic of libertarianism, who argued in his essay “On the Jewish Question” that civil society, as libertarians understand it, is based on a “decomposition of man” such that man’s “essence is no longer in community but in difference.” Thus, to achieve man’s true essence, we must insist not on individual rights, which merely separate one person from another, but instead on the primacy of the political community. (As the anthropologist Ernest Gellner pointed out in his *Conditions of Liberty: Civil Society and Its Rivals* [New York: Viking Penguin, 1994]), the experience of “real socialism” was that it led “not to a newly restored social man, but to something closer to total atomization than perhaps any previous society had known.”) There is a great deal of literature that is critical of Marxism, but especially useful for its critique of the philosophy behind it (and not merely of the politics of Marxist states or of the impossibility of economic calculation without money prices) is the British philosopher H. B. Acton’s work *The Illusion of the Epoch: Marxism-Leninism as a Philosophical Creed* (1955; London: Routledge & Kegan Paul, 1972). (See also his defense of the morality of market exchanges in *The Morals of Markets and Related Essays* [David Gordon and Jeremy Shearmur, eds.; Indianapolis: Liberty Press, 1993].)

An especially prominent line of criticism of libertarianism—related to that offered by Marx—is that libertarians have fundamentally misunderstood the nature of freedom. This issue was already canvassed by Benjamin Constant in the essay included in this book, but it has been revived by Charles Taylor (whose work is discussed below) and by others who have argued that “real freedom” is a matter of how much “self-control” (over one’s passions, for example) one has, or how much one is able to participate in collective decisions, or how much power or wealth one has to attain one’s ends, or some complex combination of these factors.

A recent defense—offered on the basis of a new stipulation of the meaning of



freedom—of redistributive socialism, and of a “right” to be supported through the coerced taxation of others, even if one refuses to work, has been advanced by Philippe Van Parijs in his book *Real Freedom for All: What (If Anything) Can Justify Capitalism?* (Oxford: Oxford University Press, 1995), which argues for the right of the deliberately indolent to be supported by the coerced donations of others as a requirement of “real freedom.” Merely “formal freedom” (of the sort defended by libertarians) allegedly consists in “security” and “self-ownership,” but “real” freedom adds to the list “opportunity.” Thus, two persons may be formally free to swim across a lake, but only the good swimmer is “really” free to do so, and it is this “real” freedom that really matters. A similar line of argument is found in Alan Haworth’s *Anti-libertarianism: Markets, Philosophy, and Myth* (London: Routledge, 1994), in which the author claims that what has come to be known as libertarianism is in fact “anti-libertarian,” because it does not guarantee the enjoyment of “real” freedom, which evidently requires extensive coercion for its realization.

We can, of course, stipulate that we will use freedom to mean one thing, and not another, or that we will use freedom to mean power, or wealth, or good character, or whatever, but we already have perfectly good words for these things (power, wealth, and good character), and saying that “freedom” will be used to refer to one of those things offers us little help in examining difficult problems of justice. (A useful collection of essays on the nature of freedom, including a variety of views, is found in a volume edited by David Miller, *Liberty* [Oxford: Oxford University Press, 1991]; in the selection from F. A. Hayek’s book *The Constitution of Liberty*, Hayek defends the traditional view that liberty refers to freedom from dependence on the arbitrary will of another human.)

A collection of essays critical of libertarianism on the grounds that both freedom *and* equality have been misunderstood by libertarians is Stephen Darwall, *Equal Freedom* (Ann Arbor: University of Michigan Press, 1995). Darwall points out that liberty and equality are sometimes seen as conflicting ideals, but that “there are senses in which, on anyone’s view, liberty and equality are not conflicting but interdependent and mutually reinforcing ideals. Central to libertarianism, for instance, is the doctrine that all persons have equal moral standing by virtue of holding identical natural rights not to be harmed in their ‘life, health, liberty, or possessions’ (in Locke’s phrase). Liberty, in the broad sense of freedom from these harms, is a value *among equals*; it is realized when everyone’s rights are respected equally. In advancing an ideal of liberty, therefore, the libertarian simultaneously puts forward an ideal of equality. He interprets both as complementary aspects of a comprehensive conception of justice.” The essays in the book, by distinguished socialist and social democratic philosophers, “can all be read as critiques of libertarianism,” that is, as showing that some alternative notion of freedom or equality is superior to the libertarian “complementary” conception. The arguments are varied and ingenious and each deserves its own response, but one general response offered by libertarians is unaddressed: When some have the power to “equalize” the possessions or conditions of all others,

those with the power to do so will be elevated in power above the rest, who will no longer be equal to them. Equality of freedom, or equality before the law, may be incompatible with the existence of the power to impose equality of condition. This problem was eloquently stated by F. A. Hayek in *The Road to Serfdom* (Chicago: University of Chicago Press, 1944), especially in the chapters “Who, Whom?” and “Why the Worst Get on Top.”

Another particularly ingenious line of criticism of libertarianism has been developed by the Oxford philosopher and Marxist theorist G. A. Cohen and presented in his book *Self-Ownership, Freedom, and Equality* (Cambridge: Cambridge University Press, 1995), which is largely a sustained critique of Robert Nozick. (Much of Cohen’s argument is fairly technical and rests on contestable claims about the nature of rationality, bargaining theory, and other matters, so it is really for advanced readers who have already read Nozick, as well as John Locke and perhaps even some of the literature in the theory of bargaining and strategic interaction.) Cohen’s arguments against libertarianism, along with many others, figure prominently in the treatments of libertarianism presented by the political theorist Will Kymlicka in his book *Contemporary Political Philosophy: An Introduction* (Oxford: Oxford University Press, 1990), Chapter 4, and by the socialist political scientist Attracta Ingram, in her book *A Political Theory of Rights* (Oxford: Oxford University Press, 1994), which sets new standards for personal invective and vituperation directed against libertarian theorists in an academic book.

Cohen seeks to undercut libertarianism by denying that property in one’s person (“self-ownership”) leads to a system of private property in alienable objects (“world ownership”). (Cohen rejects the idea of property in one’s person, as well, but he is willing to assume it for the sake of argument.) In *Self-Ownership, Freedom, and Equality*, Cohen “entertained an alternative to Nozick’s ‘up for grabs’ hypothesis about the external world, to wit, that it is jointly owned by everyone, with each having a veto over its prospective use. And I showed that final equality of condition is assured when the egalitarian hypothesis about ownership of external resources is conjoined with the thesis of self-ownership.” (p. 14) In the process, however, Cohen makes several errors in bargaining theory (he assumes that there is a uniquely rational bargaining strategy with determinate results) and he confuses the various scenarios he describes. Of equal significance, however, is that a situation in which every resource in the world is “jointly owned by everyone, with each having a veto over its prospective use” is not justified by Cohen; it was considered and rejected as implausible several hundred years ago by John Locke, who noted in section 28 of his *Second Treatise of Government*, “If such a consent as that was necessary, Mankind had starved, notwithstanding the Plenty God had given him.” The philosopher Jan Narveson responds to some of Cohen’s arguments in *The Libertarian Idea* (Philadelphia: Temple University Press, 1988), as does David Gordon in his *Resurrecting Marx: The Analytical Marxists on Freedom, Exploitation, and Justice* (New Brunswick, N.J.: Transaction Books, 1990).

Another set of arguments rejecting the claim that each person has a property

in his person can be found in philosopher Richard Arneson's essays "Lockean Self-Ownership: Towards a Demolition" (*Political Studies*, Vol. XXXIX, 1991), which manages to assert both that "self-ownership is not nearly so determinate as competing conceptions" (a remarkably dubious and unsupported claim) and that "it is obvious that self-ownership conflicts with even the most minimal requirements of humanity" (also unsupported, but evidence that Arneson does not share a libertarian view of the possibility of spontaneous order), and "Property Rights in Persons" (*Social Philosophy and Policy*, Vol. 9, No. 1, 1992), in which he "bites the bullet" and argues that "the egalitarian should agree with Nozick that horizontal equity may require forced labor if there is to be redistribution to aid the needy" and that "forced labor can be a morally acceptable state policy." As Arneson notes, "Judged by the criteria of enforcement of self-ownership, welfare-state liberalism and socialism appear to involve the moral equivalent of lord and serf relations. The response of the egalitarian welfarist is that elimination of feudalism is morally progressive, because feudalism's characteristic personal property relations dictate resource transfers from disadvantaged persons to already advantaged persons. The property rights in persons instituted by welfare-state liberalism and socialism, though superficially similar, are different in the morally crucial respect that (when rationally organized) they dictate resource transfers from better-off persons to worse-off persons." Arneson's honesty is commendable, although he does not indicate what happens when "the property rights in persons instituted by welfare-state liberalism and socialism" are not "rationally organized," nor why we should ever expect such systems of power and violence to be systematically organized in the way he might prefer. (This reflects the regular failure of antilibertarian thinkers to distinguish between intentions and consequences. This simple distinction is a hallmark of libertarian political economy, as of all truly scientific social science.)

The distinguished British academic Raymond Plant integrates libertarian thinkers into his treatment of current issues in political philosophy in his *Modern Political Thought* (Oxford: Blackwell, 1991), contrasting libertarian views with conservative and socialist ideologies in an interesting way. Norman P. Barry's *An Introduction to Modern Political Theory* (3d ed.; London: Macmillan, 1995) also places libertarian views in the context of modern political theory. (Both are more fair in their presentation of libertarian views, as well as of other views with which they may personally disagree, than most other introductory works in political theory.)

A work that is highly polemical in tone and intent, and which challenges the classical libertarian distinction between intentions and consequences, is Albert Hirschman's small tome *The Rhetoric of Reaction: Perversity, Futility, Jeopardy* (Cambridge, Mass.: Harvard University Press, 1991). (Hirschman's work is highly rhetorical itself, and conflates a variety of views—tarring them all with the same brush, so the work is not principally about libertarianism, but about the form of argument that "good consequences" do not always flow from "good intentions.") Perhaps the best "refutation" of this view is simply to point to the many insights

that are gained by considering the unintended consequences of actions. The essay “What Is Seen and What Is Not Seen” in this reader is a good response to those who fail to distinguish between intentions and consequences.

The general theme of an alleged conflict between community and individual liberty has been articulated by the modern “communitarian” critics of liberalism. “Communitarianism” is a term rarely embraced by those to whom it is applied, but it is a useful way of grouping together a number of thinkers who, while they may in other respects be considered “leftist” or “rightist,” generally reject moral individualism and insist on the primacy of community, which is almost always assumed without further argument to mean the state.

Charles Taylor, a prominent communitarian, has offered especially direct criticisms of libertarianism in his essays “Atomism” and “What’s Wrong with Negative Liberty” (both available in his *Philosophy and the Human Sciences: Philosophical Papers* [Cambridge: Cambridge University Press, 1985], pp. 187–210 and 211–29). Among a number of criticisms, Taylor argues that freedom should be understood as a capacity, rather than as a relation to other people, and that a precondition for such a capacity is belonging to a certain kind of society that can foster this capacity, which claim he calls the “social thesis.” Thus, “an assertion of the primacy of rights is impossible; for to assert the rights in question is to affirm the capacities, and granted the social thesis is true concerning these capacities, this commits us to an obligation to belong.” And the obligation to belong entails the obligation to submit to the taxes, controls, and edicts of the state. The non sequiturs this essay contains are numerous, but perhaps most notable among them is the claim that submission to political society is necessary for the development of the capacity for choice. He does, however, leave a hole for an informed historical critique of the communitarian enterprise. (History is rarely a strong suit among communitarian critics of libertarianism, who usually substitute a priori musings for actual knowledge of historical events.) As Taylor admits, “Now, it is possible that a society and culture propitious for freedom might arise from the spontaneous association of anarchist communes. But it seems much more likely from the historical record that we need rather some species of political society.” As medieval historians have pointed out many a time, it was *precisely* among the revolutionary (“anarchist,” if you will) communes of Europe (more commonly known today as cities) that liberty and individualism flourished. (The work of Henri Pirenne on *Medieval Cities: Their Origins and the Growth of Trade* cited in Section II above is a good place to start, but many other works in European history tell the same story.) As the historian Antony Black noted in his *Guilds and Civil Society* (Ithaca, N.Y.: Cornell University Press, 1984), “*Commune* was used as a rallying cry by early towns in defense of their liberties” (p. 49), and, “The crucial point about both guilds and communes was that here *individuation and association went hand in hand*. One achieved liberty by *belonging to* this kind of group” (p. 65). Liberty did not emerge in the great states and empires founded on conquest, but in the guilds, communes, and other associations founded on freely given consent.

One general theme in the communitarian criticism has been that individuals

are “constituted” by their communities, rather than the other way around, and that among the factors that constitute a person are his or her obligations. Thus, rather than particular obligations being a matter of choice, we have—and are constituted as moral agents by—given obligations: obligations to a caste, clan, nation, or state. This view is eloquently set forth by the Harvard philosopher Michael Sandel in his *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982), which is largely a critique of two social democratic “liberals,” John Rawls and Ronald Dworkin, showing the antiliberal collectivist foundations of their views and how they are incompatible with the elements of liberal individualism they espouse. Sandel also argues that because “shared understandings” are constitutive of what we are, and because these “comprehend a wider subject than the individual alone, whether a family or tribe or city or class or nation or people, to this extent they define a community in a constitutive sense.” It is a short jump to the conclusion that individualism is fundamentally mistaken, and that “the bounds of the self are no longer fixed, individuated in advance and given prior to experience.” This means that the “self” in question is not a numerically individuated biological person (Bill, or Mary, or Samuel, or Janet), but the “self” made up of all of them. This argument is refuted by the philosopher John J. Haldane (“Individuals and the Theory of Justice,” *Ratio*, Vol. 27, No. 2, December 1985), who argues straightforwardly that “features can only be shared if they attach to bearers which are at base numerically diverse.” The “epistemological” route to collectivism (or wholism) that Sandel takes was already taken in the thirteenth century (by the “Latin Averroists,” such as Siger of Brabant) and blocked by Thomas Aquinas, who articulated the case for moral and metaphysical individualism in his great defense of individualism, *On the Unity of the Intellect Against the Averroists* (Milwaukee: Marquette University Press, 1968). Thomas refuted essentially the same argument on behalf of the proposition that the human race had only one intellect, or one soul. Against this, Thomas argued that understandings or ideas can be shared by many people without our having to posit one intellect in which these ideas would be located, that the notion “is absurd and contrary to human life (for it would not be necessary to take counsel or make laws),” and therefore that “it follows that the intellect is united to us in such a way that it and we constitute what is truly one being.”

Another communitarian argument has been advanced by the socialist and nationalist Oxford philosopher David Miller, who has effectively endorsed Hayek’s contention that socialism and robust welfare states rest on a foundation of tribalism and anticosmopolitanism. Miller defends the propagation of national “myths” (akin to Plato’s “noble lies”) as the grounds for obligations to the socialist or redistributive state, notably in his book *On Nationality* (Oxford: Oxford University Press, 1995). As Miller notes, “The redistributive policies of the kind favoured by socialists are likely to demand a considerable degree of social solidarity if they are to win popular consent, and for that reason socialists should be more strongly committed than classical liberals to the nation-state as an institution that can make such solidarity politically effective.” One fairly obvious liber-



tarian response to this nationalist approach is simply to point to the horrors of twentieth-century nationalism and collectivism, but deeper philosophical responses are available, as well, which can offer an account for the bad consequences of nationalism. Notable among them is the book *Nationalism* (4th ed.; Oxford: Blackwell, 1993), by Elie Kedourie, which subjects the philosophy of nationalism to withering criticism. Another critic of nationalistic and socialist thinking was the Austrian economist Ludwig von Mises, who argued in his *Nation, State, and Economy* (1919; New York: New York University Press, 1983) that the existence of different nations and cultures provides an argument for *limiting* the state, rather than imposing nationalist uniformity to achieve socialist or welfare-statist goals: "Whoever wants peace among nations must seek to limit the state and its influence most strictly."

The general "communitarian" theme has been favored by "right-wing" critics of libertarianism, even if they rarely explicate their metaphysical wholism to the degree that "left-wing" communitarian critics often do. (Notably, libertarians typically reject the "left-right" dichotomy as offering, at the least, a nonexhaustive choice, and this is reflected in the criticisms of libertarianism by both self-identified "left" and "right.")

A particularly biting, polemical, and even personal attack on libertarianism was offered by a venerable figure of post-World War II American conservatism, Russell Kirk, in his essay "Libertarians: The Chirping Sectaries" (in George W. Carey, ed., *Freedom and Virtue: The Conservative/Libertarian Debate* [Lanham, Md.: University Press of America, 1984], which contains a number of essays on the issues dividing libertarians and conservatives). It has never been entirely clear just what the term "conservatism" means in American politics, so it should just be noted that Kirk's essay represents at least one conservative viewpoint that differs from the libertarian viewpoint in virtually every respect, from the significance of the individual to the roots of order to the nature of the state.

Kirk and other conservatives often quote Edmund Burke as an opponent of libertarian ideals, but Burke is in fact more complex, and a less forced reading would see him as advancing a particular version of the classical liberal or libertarian understanding of civil society and individual liberty. This deserves some explanation, for Burke has come to be associated in the public mind almost exclusively with one book, his *Reflections on the Revolution in France*, a book in which can be found many wise libertarian insights, as well as a very few truly absurd statements, the latter of which have come to color the appreciation of the book by later audiences. Among the absurd and even embarrassing statements are his description of the queen of France: "Surely never lighted on this orb, which she hardly seemed to touch, a more delightful vision. . . . Little did I dream that I should live to see such disasters fallen upon her in a nation of gallant men, in a nation of men of honour and of cavaliers. I thought ten thousand swords must have leaped from their scabbards to avenge even a look that threatened her with insult.—But the age of chivalry is gone.—That of sophisters, oe-

conomists, and calculators, has succeeded; and the glory of Europe is extinguished for ever.”

This rhetorical excess is certainly an embarrassment to Burke’s memory. But a few silly passages should not blind us to the brilliance of his critique of the events in France, from the confiscation of the church’s property to finance the inherited debts of the state to the replacement of gold and silver by paper money.

Burke had defended the American Revolution, which he distinguished from the French by the Americans’ defense of historically situated rights. The heart of Burke’s criticism of the revolution in France is his objection to abstract rights, or rights justified in purely abstract terms, rather than to historically situated rights. In his defense of the English Revolution of 1688 in the *Reflections* Burke wrote that “the Revolution was made to preserve our *antient* indisputable laws and liberties, and that *antient* constitution of government which is our only security for law and liberty.” As he pointed out, the greatest English legal scholars “are industrious to prove the pedigree of our liberties.” Rights that are merely abstractly formulated (such as the “rights of man”) are, in this view, less likely to be stable and to secure liberty than are rights that have a “pedigree,” that have emerged over time, enjoy the legitimacy of a tradition, and are understood to be the inheritance of a free people. One may certainly contest this claim, but it is consistent with, and has even proven a great contributor to, the growth of modern libertarianism. (A recent biography that shows Burke as a liberal is Conor Cruise O’Brien’s *The Great Melody: A Thematic Biography of Edmund Burke* [Chicago: University of Chicago Press, 1992]. In addition, the purely conservative interpretation of Burke must deal with his 1756 work *A Vindication of Natural Society* [Frank N. Pagano, ed.; Indianapolis: Liberty Classics, 1982], which is either a stirring critique of the state or an extraordinarily subtle parody of antistatist thought, as conservative statist maintain.)

An influential conservative criticism of the libertarian idea that the state should limit itself to prohibiting well-defined harms to others and should not “legislate morality” is found in James Fitzjames Stephen’s *Liberty, Equality, Fraternity* (1873; Indianapolis: Liberty Classics, 1993), which offers a defense of coercion as the foundation of religion and morality. This belief that, absent a coercive power to maintain morality, humans would simply run riot, and that the purpose of state power is to “make men moral,” is also defended by the conservative Princeton philosopher Robert George in *Making Men Moral: Civil Liberties and Public Morality* (Oxford: Oxford University Press, 1993). In addition to the arguments offered by John Stuart Mill (see the selections in this reader), a useful defense of libertarian views on morality can be found in the abolitionist and temperance advocate Lysander Spooner’s 1875 essay “Vices Are Not Crimes” (in George H. Smith, ed., *The Lysander Spooner Reader* [San Francisco: Fox & Wilkes, 1992]). Further, the many empirical studies of the terrible consequences of attempts to impose morality on society (increases in violent crime due to the perverse incentives of black markets, diversion of scarce police resources from apprehending violent criminals, corruption of the police, and much, much more)

offer strong reasons to oppose imposition of moral norms through force and coercion, rather than cultivating morality through the use of persuasion and example. (Good examples of such studies are David W. Rasmussen and Bruce L. Benson's *The Economic Anatomy of a Drug War* [Lanham, Md.: Rowman and Littlefield, 1994], which shows how organized crime grows under prohibition and shows how and why the murder rate dropped for eleven consecutive years after the repeal of alcohol prohibition; Ronald Hamowy, ed., *Dealing with Drugs: Consequences of Government Control* [Cambridge, Mass.: Ballinger, 1987], which includes essays by scholars, prosecutors, and others arguing against prohibition of narcotics; Richard Posner's *Sex and Reason* [Cambridge, Mass.: Harvard University Press, 1992], in which a distinguished judge and law professor argues, largely on utilitarian grounds, that individual rights and self-ownership should be the rule; and Richard Epstein's *Bargaining with the State* [Princeton: Princeton University Press, 1993], which examines the problems that arise from the power of the state selectively to distribute benefits and burdens, mandates and prohibitions.)

## Conclusion

No short listing or essay can really do justice to the wealth of insights offered by libertarian thinkers. The test is not, however, how much they have written, but how much their ideas help us to understand the world and to guide us as we try to live lives of decency, justice, compassion, and humanity. Judged against that standard, I believe that libertarianism is superior to other theories or organized belief systems. But whether you agree with me will be for you to decide.

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*Many of the books in this bibliographic essay can be obtained from Laissez Faire Books, 938 Howard Street #202, San Francisco, CA 94102, 1-800-326-0996.*