

# Post-Liberal, Post-Libertarian Thinking

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*In these postmodern days, in which everything that has helped to define us, including our past, is thrown under the bus of cynicism, we would do well to recall the adage that those who chop away at their tradition like planks on a wooden boat, soon find themselves drowning because their boat is gone. Perhaps it is time to recall that tradition, in order to avoid drowning in the waters of individualism and relativism.*

*That tradition, of course, is the Enlightenment, which ethically and cognitively underscores not only the U.S. Constitution, but our human, all-too-human Founders. The postmodern response to the personal and political flaws of the Founders is to reject their thinking outright and thus our Enlightenment tradition wholesale. The end result has become a free-for-all of individual aggrandizement and a cutting away of the planks on which we all stand. Is it any wonder we see our democracy imploding today?*

Given that understanding, let me put the thesis of this essay succinctly: the liberal and right-libertarian movements that began in the 17<sup>th</sup> and 18<sup>th</sup> centuries were hijacked in the 20<sup>th</sup>-century by the philosophy underlying capitalism, which pressed the distinct liberal emphasis on political freedom into its own—and only its own—service. Thus, even if one rightfully argues that the Founders were proto-capitalist elites and that the seed of contemporary capitalism was in their thinking, there was also so much more in their thinking that collectively we chose to ignore, leaving us where we are today.

In general, the overarching aim of capitalism used individual freedom to justify individual acquisition, thus reducing freedom to economic freedom, and redounding to individuals alone, with no social connections or common good acknowledged. This was subsequently used to justify the authoritarian rule of those who had the “highest” freedom: moneyed elites only. Thus, the movements of libertarian capitalism and the culture of individualist-capitalist liberalism have both clearly taught us yet that we need not just a new economic system, but a new social philosophy as well.

Although there are a multitude of ways to define and defend individualism (e.g. from anarchism to voluntarism; from Aristippus to Adam Smith), it may nonetheless be held that the varying stripes of liberal individualism have two claims in common, although its defenders hold to these claims in different degrees.

First, the individual is said to be sacrosanct and entitled to any social goods that assist her to enhance her life and growth; second, individual rights, usually explained in terms of self-interest, trump any claimed ethical mandate regarding the primacy of an individual’s responsibility toward others. For this prong of individualism, it is not the individual that is responsible to society; rather, society is to be judged by how well they serve the individual, especially regarding her private property rights.

This position entails a rejection of any imposition of duty from any source external to the individual—e.g. the state, or even the ethical claims others make of other individuals (see Robert Nozick, *Anarchy, State, and Utopia*, or Tibor Machan, “The Right to Private Property,” *Internet Encyclopedia of Philosophy*). Otherwise put, this second element maintains that my responsibilities to the good of others are minimal, at best—i.e. “I am not my neighbor’s keeper.” This second prong sees “community” simply as a collection of individuals, with nothing “over and above” the individuals who compose it. It has the social consequence, intended or not, that our primary social relationships are those of subordination and domination—i.e. the paradoxical idea that my use of my freedom to control others in order to increase my freedom.

The classical liberal emphasis on private property and on others as competitors for it, combined with the capitalistic philosophy of increasing individual acquisition, produced in its wake an overblown sense of self-entitlement which in essence maintains that individuals have a natural/human right for desire satisfaction by consuming what they want, and that necessitates dominating others who compete with us for the same goods. Note that the shift is from freedom to pursue what psychologists call self-actualization and philosophers have called full humanness, to fulfilling the base and licentious desire-based consumption.

Freedom to life and liberty then becomes dependent on freedom to own property, not freedom of persons per se, which is what the classical liberty position holds. For example, John Locke discusses the right self-possession, which is a concept that is inherently broader than the right to property-acquisition. Unfortunately he discusses this under property rights, which leads some individualists to put private property rights prior to individual self-actualization (“self-possession”), which blurs these two conceptually distinct issues.

More problematically for any defense that would make political rights depend on private property, the more property one acquires under this conception of freedom, the more focused on acquisition they become; the more focused on acquisition, the more they exclude others from that same right by denying that they have any duty to assist others in their pursuit of social goods. This reaches the point where individual selfishness becomes an ethics (as contradictory as that is), the kind trumpeted by the radical position of individualism advocated by Ayn Rand and her supporters, who absolutize possession-entitlement by calling the selfishness that seeks acquisition without balancing it with anything short of a voluntary recompense to others a “virtue.”

While accepting the first claim of traditional liberalism and libertarianism—the importance of individual self-actualization—I reject the second—the primacy of self-interest over the equal standing of persons and the common good. If traditional liberalism and right-libertarianism are inconsistent and thus ultimately self-defeating, the best option that remains for political reform is to focus on what these systems have overlooked or ignored: values of equality, mutual ethical responsibility, and a notion of the common good, all of which put distinct limits to individual acquisition and disengagement from the good of others.

Because many contemporary notions of the common good refer to Aristotle, we may define the common good through his understanding of the necessary relationship between the common good and the notion that the political community is a partnership. As with any partnership or any organization where two or more are involved, the structural dynamic which unites them is their commitment to and engagement in a common purpose: the good for all its members/citizens. Many people of the classical liberal or libertarian stripe prefer to interpret Aristotle as a proto-individualist, but such a reading is significantly inconsistent

with his statements in the politics that the shared pursuit of the common good is what makes a city a city. Thus, it is not the pursuit of individual good in contradistinction to the common good that makes a good politics; nor is a society judged by how well it caters to its individuals. Rather, it is the common good that allows citizens to find their own virtue and happiness (Politics, Book III).

Now to equality. Since the origin of liberal and libertarian philosophy, according to many of its advocates, is in the philosophy of John Locke, we will take this as our starting point. There can be no doubt that in Locke, the notion of equality does not begin and end with simply tolerating “equal freedom to all.” For Locke, equality was of necessity connected with a higher principle of “respect” of others qua persons with needs and desires, not qua freedom-lovers only. In Locke’s *Two Treatises of Government* (I, 42), he clearly acknowledged that the right to individual freedom went beyond mere acquisition, and included the moral duty to assist others in procuring their subsistence.

This latter understanding shows that the right-libertarian idea is only based on a lopsided reading of Locke, when in fact Locke was also concerned with the deeper understanding of equality as a norm respecting others as equal in humanity. Thus, politically and economically, equality was a matter of what Locke called “reciprocal power and jurisdiction” in which “no one may have more” social and political power than another without justification under the principle of respect of the human interests of others.

Contrary to libertarianism, then, the Lockean notion of “respect” requires that one be actively concerned with the good of others in their own pursuits of social goods. For Locke, rights exist in large measure not to accumulate property or any other measure of self-interest, but so that we can fulfill our moral duties to others (see Robert Ashcraft, *Revolutionary Politics and Locke’s Two Treatises of Government*, A. John Simmons, *The Lockean Theory of Rights*, and/or James Tully, *An Approach to Political Philosophy: Locke in Contexts*). It is this notion that traditional liberals and right-libertarians (wrongly) deflate.

For Locke, individual persons are limited by the “law of nature,” which he defines as our reason, by which we determine what is right and wrong. Further, it is our reason which makes us free. Perhaps most important for Locke in this regard, reason is the structure of mutual cooperation in a society (*Two Treatises of Government*, II, 63 and 172, respectively). Expanding on this, in his *Essay Concerning Tolerance*, Locke argues that the value of preserving peace in society may sometimes override individual rights (176), and that considerations of the common good “limit and alter the obligation even of some of the laws of God.” (ECT, 183). Thus, we may conclude that individual rights may not always be absolute for Locke.

So while I agree with Libertarians and Liberals that Locke heavily emphasized individual freedom in his political writings, I would add that the individualist dynamic to Locke’s political theory that has been brought forward by right-capitalist-libertarians and individualist-capitalist-liberals, is overstated when used to justify individualist property acquisition or even to legitimate the culture of individualism. On the contrary, under the rubric of Natural Law, Locke recognized a duty to assist with the preservation of mankind, including a duty of charity to those who have no other way to procure their subsistence (*Two Treatises I*, 42).

As a consequence, Lockean libertarianism, if true to its namesake, must maintain that there

is a limit to individual property accumulation. The acknowledged limit is called the “Lockean proviso,” and states that the ethical limit to accumulation is twofold: “enough and as good left in common” should be left for others. Although many libertarians take this to be the only limiting principle of property acquisition, it is such a weak ethical requirement that it has demonstrated itself to be of little use in a raw capitalist society.

It would have to be significantly expanded in terms of defining who is worse off and how that comes to be, a difficult task for libertarian defenders. A traditional objection to this proviso is its one-sidedness: it ignores imbalances of natural talents, systematic lack of opportunities, inheritances, and even sheer luck. These and other issues that are unaddressed here can and should be balanced by a principle of equal opportunity and a more egalitarian form of distribution of property, which would, of course, change a right-libertarian theory completely.

Beyond Locke, the notion of freedom of individuals in the sense in which it influenced the founding of the United States was the Enlightenment understanding that there is no freedom (also called autonomy and agency) without rational deliberation and a choice regarding “what is morally right,” and that by definition includes the needs and interests of others. Enlightenment thinkers such as Jean-Jacques Rousseau and Immanuel Kant clearly articulated the idea that freedom was never limited to “having others leave one alone,” but was much broader and specific, such that rational beings are self-determining by their ability to formulate norms and goals for the pursuit of her full humanness, and said norms not limited to the external goals of property acquisition and alienation from the needs and desires of others.

This is the proper notion of autonomy—understanding that one is bound by laws of reason, and that reason in ethics implies equal concern for the good of others as one’s own good. This is what is lacking from our contemporary individualist notion of keeping others at bay from one’s interest in property and even self-aggrandizement. In short, negative and positive liberty are both needed—i.e. from freedom from undue influences of others, but also freedom for living ethically in community with others. Individualist libertarianism ignores the latter freedom.

Given what we have examined, we can quite clearly see the meaning of the Founders of the U.S. concerning freedom and agency. Thomas Jefferson, for example, held that human morality is innate and formed around concerns for the common good, not one’s own good alone, since humans are naturally social (Letter to Peter Carr, August 10, 1787). Going even further, Jefferson said: “Self-interest, or rather self-love, or egoism” is completely misguided. “I consider our relations with others as constituting the boundaries of morality...To ourselves, in strict language, we can owe no duties, obligation requiring also two parties. Self-love, therefore, is no part of morality. Indeed, it is exactly its counterpart. It...lead[s] us constantly by our propensities to self-gratification in violation of our moral duties to others.”

Likewise, Jefferson was exorcised by the immorality of inequality that existed in Europe at the time the United States was founded. His correspondences with James Madison regularly broached this topic, and Jefferson had a solution to it. It is worth quoting in full the remarks he made in one of his letters to Madison, dated October 28, 1785:

“The property of this country is absolutely concentrated [sic.] in a very few hands...the consequences of this enormous inequality producing so much misery to the bulk of mankind, legislators cannot invent too many devices for

subdividing property...[One] means of [doing this] is to exempt all from taxation below a certain point, and to tax the higher portions or property in geometric progression as they rise.”

Madison himself, particularly in the Federalist Papers, argues often that “private right” must be counterpoised with “public good” or else the new republic would fall into anarchy (see in particular numbers 2, 10, 43, and 51 on this issue). Especially with regard to number 51, Madison’s warnings are strong and prescient: in any society where the stronger faction can use the mechanisms of government to oppress the weaker ones, that society is no longer a republic, but an anarchy, a “state of nature,” as he uses Locke’s terminology. Although Madison overall was concerned with “the tyranny of the majority,” the principle he enunciated here cuts both ways. Furthermore, Madison explicitly contrasts private right with public interest, demonstrating that the latter is not the sum of the former (see particularly the Federalist Papers numbers 10, 42, and 46).

In sum, freedom in its traditional sense from the Enlightenment and the founding of the United States, was never a completely individualist, “government (and others) leave me alone and don’t tell me what to do,” private-property acquiring understanding. It always encompassed our moral obligations toward other individuals and toward society. The debate was and is only how deep this obligation goes, and how far the law (i.e. government) should go in maintaining it, not that we as individuals or the government have no obligation to enforce the duties that we have toward one another and to the common good—including our economic obligations toward others less privileged in our society.

But wherever we draw the ethical line, this conception of other-directed, other-obligated, ethical freedom is what we lost in our late capitalist, post-1960’s world view. It is a view which understands that we do have strong obligations to the good of others, and others do have a say in what we do individually, where it concerns public actions and actions affecting the public good; and that mature adults can think for themselves what these obligations, not licenses, are concerning our individual acts as they affect equality.

Liberals and Libertarians who have one-sidedly emphasized the principle of “freedom,” in Locke, the Founders, defenses of private property, or any other political philosophy, demonstrate inconsistency in their views. The result from such limited viewpoints on freedom has been a movement toward capitalistic individualism (and even narcissism), losing the important and intrinsic connection of self to community and the common good (thus eventually immobilizing leftwing political activism).

Likewise, the movement away from understood ethical duties toward others and/or from the social good to individual freedom has shifted the moral worldview of liberalism from pluralism to relativism. It also undercut the principled oppositions to U.S. wars, replacing it with a pragmatic philosophy toward war, which judged war only in terms of its possible success, its costs, and whether or not the war(s) was (were) “smart” to undertake.

Some would object to this reading of things, arguing that, for example, the Founders, in particular Madison, attempted to limit democracy in order to avoid “too much equality” for the masses of people. The U.S. Constitution, on this reading, was set up for the propertied class, not for “the people.”

This would be demonstrated by events such as Shay’s rebellion, etc. An additional objection would state that equality has never been universalized for American citizens; that it was

only a lip-service term to protect the elites from popular uprising; or at best, “equality” simply meant equality of the elites. A third objection, raised by writers such as Morris Berman, argues that the U.S. from the beginning was set up as a proto-capitalist society, on the basis of Locke’s notion of private property ownership (see his *Why America Failed*, pgs. 5-10).

My response to all of these objections is that they are all correct. However, my analysis demonstrates first that, at least in the writings on democracy of the time, it was recognized that there is no real freedom if equality is not equally emphasized. If property and money defined freedom, either in those early essays on democracy or in reality, so much the more does my analysis show the recognition of the need for equality concerning the distribution of social goods, as well as the inconsistency between the words and actions of those early democratic leaders. The same remains true today. The objections do not negate the analysis offered here; they actually serve to underscore the issue of the freedom-equality duality in democratic theory.

Given this analysis, the best political philosophy that attempts to give credence to both freedom and equality and the dialectic between them, would seemingly be obvious: libertarian-socialism, or perhaps democratic socialism. Republican democracy has shown its significant failings, and we need to replace it with a more functional system. This will take nationwide discussion and action, of course, but most of all, it will take a focus on decentralization of social institutions and economic and political power. The larger and more complex social and governmental institutions become, the more they distance themselves from the people they were designed to serve, and thus the more abusive they will be of the power they have. As the saying goes, “absolute power corrupts absolutely.”

In conclusion, there are historical, ethical, and intrinsic limits to the capitalist-individualist-motivated emphasis on freedom alone. As we have seen, the direct and clearest limit is the notion of “equality,” found in Locke, the Founders, and in all distinctly normative ethics, both in Enlightenment times and in today’s normative thinking (see, e.g., James Rachels, *From Rationality to Equality*). A post-liberal, post-libertarian type of thinking will arguably regain this balance of values, and the end-result will be some kind of return to society, instead of the Social Darwinism we see in late-phase capitalism and its CEO caretakers today. To put the issue succinctly and paradoxically: there are no rights to do what we want if there are no duties to others that stop us from doing what we want. The ethics of the other and our social connections must be regained, on peril of losing not only our democracy, but our real freedom, negative as well as positive.

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