

Why Must Freedom Be First?

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Abstract

This article analyzes a libertarian capitalist framework and discusses whether individual rights to life, liberty, and property are protected effectively in such a system. It outlines how individual rights to life, liberty, and property are protected under a libertarian framework and maintained through capitalism. The argument is not that libertarian society is utopia, but that a libertarian capitalist framework protects the rights of individuals to life, liberty, and property and does so in a morally superior way compared to other systems.

JEL Codes: P10, P16

Keywords: individual rights, liberty, free enterprise, laissez-faire, capitalism, economic freedom

I. Introduction

Champions of the fully free society uphold the sovereignty of each adult individual in social life. They distinguish themselves in the political arena in most Western countries from both the Left and the Right because, on the one hand, the Left is inclined to impose restrictions on individuals pertaining primarily to their economic or material actions, while the Right imposes on individuals when it comes to their spiritual or mental actions. Both Left and Right enlist government for the purpose of regimenting certain aspects of the individual's life, whereas the champion of the fully free system sanctions only those laws or rules that aim at keeping everyone's sovereignty: at protecting individual rights to life, liberty, and property.

For example, many American conservatives endorse the war on drugs and a closer unity between government and church, by means of bans on recreational drug use, prostitution, gambling, pornography, and other vices. It is mostly concerning the crafting of people's souls that the Right enlists the government's coercive

powers, although since body and soul aren't ever sharply divided, this pursuit often involves regulating people's economic activities as well (e.g., when Sunday blue laws prohibit commerce in liquor).¹

Members of the Left, in turn, want heavy government regulation of the economy through minimum-wage laws, antitrust crusades, and so on.² They want progressive taxation and government efforts to equalize and redistribute wealth. Here, too, a sharp division between the economic and the spiritual is impossible, so the Left is often involved in regimenting people's talking and thinking (e.g., when it supports government bans on hate speech or racial discrimination in commerce).

In their particular areas of philosophical focus, the Left and Right both endorse government intrusion. The novelist-philosopher Ayn Rand noted this tendency decades ago, suggesting that metaphysics significantly influences public policy. (The Right's idealism and the Left's materialism tend to dictate what is to be controlled.)

In non-Western countries and cultures, these distinctions aren't as germane. In such societies, the libertarian view of individual rights as the bedrock of justice seems almost irrelevant, given the prevalence of groupism: tribalism, ethnic or religious solidarity, nationalism, and the like.

II. The Champion of the Fully Free Society

The champion of the fully free society sees the function of the legal system and authorities as, first and foremost, to protect individual rights. In that respect, the libertarian is more loyal to the (original) vision of the American republic and to the philosophical grandfather of that polity, the English political theorist John Locke, than are any other current political movements. Republicans, Democrats, Socialists, conservatives, liberals and communitarians; Islamic, Christian, Hindu, or other religious fundamentalists; and the rest all seek to impose ways of private conduct, some claiming that there does not even exist a sphere of legitimate privacy in human life.

¹ Conservatives aren't united so much on doctrine as on ways to think about normative matters. They hold that how we decide our institutions, laws, and practices should be grounded on tradition: what has worked in the past, what has been tried and found true.

² The Left in America, often called "liberal," does endorse a doctrine, mainly concerning the role and scope of government in the lives of the citizenry, which is supposed to be extensive and broad, mainly so as to enable folks who aren't doing well in life to flourish.

In contrast, following the lead of Locke, the American Declaration of Independence states that all men are created equal and endowed by their creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness. Champions of the free system believe that they flesh out the vision of this document more accurately, consistently, and completely than do Democrats, Republicans, Socialists, Communists, Communitarians or any other political faction in society. Why? Because if we really do have these rights, then the legal system should protect us against all efforts by criminals, foreign aggressors, or the legal authorities themselves to violate those rights or to impose on us their ideas of how we ought to live. If the individual is not sovereign—does not have the right to decide how best to live his or her life—how can any others possibly have that right over him or her? Paternalistic intervention, even for the sake of improving some aspect of our lives, is thus inconsistent with the rights to life and liberty. Such interventions include, for example, bans on drug abuse and smoking in private places or regulation of employment. Regimenting the lives, actions, and goals of sovereign individuals is intolerable and reprehensible, regardless of good intentions, for it is the right and moral responsibility of individuals to decide these things for themselves. This is a necessary precondition of morality, and it is what having an inalienable right to life, liberty, and the pursuit of happiness comes down to. A proper legal order has as its primary function the protection of these rights.

Take the particularly controversial case of the position that no one has the authority to prevent you from committing or seeking assisted suicide. Many find suicide objectionable because they think we either belong to God or to some group. Thus, we aren't authorized to decide what happens to us.

Champions of liberty hold that one's right to life means having full authority over one's life, making it unacceptable to prohibit one from inviting another to assist in one's suicide. On this view, the right to life means that oneself, not other people, should make decisions about one's life, including whether to delegate to someone else, who is willing, the authority to help end it.

III. Rights

Rights are principles identified in the field of political theory that spell out protective "borders" around us. In order to cross those borders, those outside must secure permission from those inside.

Consider the right to private property, as we normally understand it. If it is your car, somebody else who wants to use it must ask your permission. You are the one who is to make that decision. You have the moral (and legal) authority to refuse or grant permission. If you wish to sell it, that, too, is up to you and whoever is willing to meet your price.

Similarly, since it is your life, somebody who wants to do something to it must gain your permission, as when you authorize a physician to perform a risky operation or a cabby to drive you to the airport.

If you want to smoke, drink, take drugs, climb mountains, or go skiing, provided no one's rights are violated by such actions, you need no one's permission. It is fundamental to a free society that individuals are sovereign, not the legal authorities and not even the majority of the people.

A. The Sovereign Individual

"Sovereign" means you rule yourself, that you are the author of your actions and your conduct, not someone else. It is autonomy in a political context. In a society of sovereign individuals, no one has the right to one's life but oneself: not the family, society, nation, race, ethnic group, or humanity. That's so even if you misgovern yourself or waste your life away. Others may offer advice, write editorials, send one letters, try to start a dialogue—in short, they may approach an individual in *peaceful* ways. But they have no authority to take over the governance of one's life.

Even democracy, the will of the majority, does not trump individual sovereignty. Why should it? After all, the majority is composed of individuals and is not some separate, superior body; and if another individual has no authority to intrude on one's life, neither does a collection. Democracy is mainly a method of selecting administrators of various tasks, including governance, as well as a method of reaching decisions if all those affected have agreed to its use, as in the Rotary Club or Lions Club.

One must authorize or delegate authority to legal administrators to do certain things and thus to act by consent of the governed. Absent this authority, officials may not intrude on one's life or conduct. Such is the right to liberty.

B. *Political Freedom*

One is free in the political sense if one can take various actions without interference by other people. (There are other senses of “freedom,” but they are not relevant here.) If one wants to pursue a life of productivity, creativity, art, science, or education, he may embark on those pursuits, and no one may prohibit him from doing so unless his actions intrude on them. If one needs others to help in these pursuits, their consent is required. And if one chooses not to embark upon such pursuits but, instead, chooses to be idle, lazy, imprudent, or neglectful toward oneself and one’s best interests, including making contributions to one’s community, that is also something one should be free to do. Individuals are not to be placed into involuntary servitude to others. Voluntary association is essential to free men and women.

Many people resist this classical liberal view of liberty on grounds that that when one’s freedom is misused, then some kind of governmental, forcible interference is justified. So, for example, someone who wants to pursue a life of laziness, stinginess, drug addiction, or debauchery ought to be forcibly prevented from doing so. But this view is wrong.

The champion of liberty argues that authority to run one’s life comes with the risk that one may mismanage it. Once one reaches the age of reason, is an adult, and is no longer in a state of dependence upon the wisdom, insight, or guidance of one’s parents or guardians, one is properly in charge of one’s life, however unwisely one may live it.

C. *Legal Authority as Referee*

On this view, the legal authority within a given jurisdiction of a free society is but a referee, properly concerned only with protecting individual rights. That means that if someone’s rights are violated, the culprit should be tried and punished through some system of due process. Of course, neither the legal authorities nor anyone else can always prevent the violation of rights, any more than a basketball referee can always prevent the players from misbehaving. But once there is misbehavior, adverse consequences—a penalty—must follow. Similarly, the function of the legal authority, as the libertarian understands it, is to protect against and penalize violators of individual rights.

D. Equal Rights

As adults, we all have equal status—not economically, not in terms of our physical or mental attributes or background and such, but in terms of our rights. “All men are created equal” does not mean that we are created equally wise, smart, wealthy, healthy, or strong. It means that we are all equally in charge of our lives. That’s why Abraham Lincoln could use the Declaration of Independence to criticize and reform the U.S. Constitution, which tolerated slavery. In the Declaration there was no tolerance of slavery, something Thomas Jefferson realized and the implications of which he agonized over even while engaging in the practice in his private life.

E. Declaration of Independence

The Declaration is not a political instrument, as is the Constitution, wherein considerable compromises were and continue to be made with the principles of liberty. The Declaration articulated and sketched out a nearly unblemished vision of a free society. Its libertarian political position made clear that government’s task is to secure our inalienable rights to life, liberty, and the pursuit of happiness, among others, that government—the agency that administers the law—is established within human communities. It is not established to do anything else: to manage a post office, build monuments, run Amtrak, conduct AIDS-prevention programs, maintain parks, or educate children. On this view, as set forth in the Declaration, the government of a genuinely free society exists first and foremost to secure the basic rights of the citizens, the rights that all individuals have.

F. Basis for Our Rights

Do people really have these rights? That’s the controversial political question. Once we have correctly identified the rights, it follows that the only time that someone may use force, which is what the legal authorities—courts, police, military, bureaucracy—are professionally trained to do, is in defense of those rights. What if those rights are a myth?

Some people maintain that the rights spoken of in the Declaration of Independence are contrivances invented to serve certain special class interests. Indeed, many college professors construe basic individual rights to life, liberty, and property as eighteenth-century myths thought up to serve certain special economic interests. Marxists, especially, but even some non-Marxists,

have embraced this view. And they hold that, in time, we will see that these principles of liberty are obsolete, temporary fictions.

G. Justification for Cuban Socialism

Along these lines, when you hear it said, for example, that for Cubans, socialism may be a sound system, you are hearing political relativism. It says that for certain people, given their special historical situation or particular economic or technological development, it is acceptable for a dictator such as Fidel Castro to basically run their lives. Some people are not intelligent enough, or developed enough, or wise enough yet to be self-governed.

H. Vienna Human Rights Conference

At the 1996 Vienna Human Rights conference, some government officials from Africa and Asia protested the United Nations' endorsement of the very idea of basic individual rights because, they said, those ideas do not apply to their societies. And there is widespread agreement with this idea among many people in university philosophy, political science, and history departments. What response can the classical liberal proponent offer?

I. Universal Rights

There are certain features of human beings that remain stable over time and allow us to identify individuals as members of the human race, as having a shared humanity. Regardless of the century in which human beings live, our mutual humanity will have certain ethical and political implications. Some principles of ethics and politics will be universalizable, will apply throughout the human species, including the principle that each individual is a sovereign about his or her life.

Few thinkers throughout history have stressed the importance of individual sovereignty. But this does not mean that individual sovereignty was not right back then or is unimportant, only that many thinkers paid little attention to it. There may be many reasons for that. For example, many thinkers were part of a class who benefited from slavery. Pointing out to the world that every individual is equally important is not always in one's vested interest.

J. Free Will as the Basis for Humanity

No human being should be made to serve the will of another human being against his or her choice. In other words, slavery,

whether full-scale, partial, or even minimal, has always been and will always be wrong, regardless of the science, economics, sociology, or politics of the time. As long as human beings are such, that is, beings with free will and responsibility over their lives, slavery is wrong.

That is the kind of universal position that the classical liberal embraces. Not that all principles are as widely universalizable. For example, how one should dress, dine, or even rear one's children may vary or change depending on cultural, technological, or other factors. So much of human life is individually or culturally variable—and not surprisingly, given that human beings are unique individuals. There are no fundamental and universal principles concerning such matters, which arise from variable aspects of human life. They include a great deal of what makes up various different and equally valid human cultures.

But there are basic principles to which people allude when they say that certain values or principles of conduct do not change. According to the classical liberal, or libertarian, human beings do remain fundamentally the same throughout all those technological and related changes. No matter what the changes, our humanity remains intact.

K. Universal Human Rights

The idea of universal human rights is implicit in the rationale of human rights watch groups that go from country to country, examining whether institutions like slavery or torture exist. They don't care whether it's China or Burundi or the United States or Canada. These human rights watch groups consider certain practices and policies to be inexcusable regardless of time, place, or differences in accidental features, because of our fundamental humanity.

Underlying the idea of these rights to life, liberty, and the pursuit of happiness—or property—is the fact of our shared human nature, whose basic features include our creativity, our need to take initiative in life, and the corresponding moral responsibility we have for living our lives properly (whatever that comes to).

Unlike the rest of the animal world, we have few instincts to guide us in our lives. We must discover how to live and flourish. That's why we need education: we are not born with sufficiently detailed, genetically built-in programs to guide us through life as are geese, cats, or even the higher mammals. We have to learn nearly everything, including how to eat, talk, walk, drive, and the countless other complex tasks required to live a human life.

L. Self-Reliance

We either make good use of our minds or we don't. That's the point. All human beings have the fundamental capacity to get themselves going or to fail to do so. Unless we are thwarted in this task by governments, criminals, or invading armies, we are free either to pay heed or not to. And the right condition for this freedom is when others do not prevent us from engaging in this most basic and universal feature of living a human life. It is essential that we not be intruded upon in our efforts to think through and resolve the problems that face us. Thus, the community most suitable for human beings is one where we are united on a voluntary basis.

People flourish best among other people, but only if these others do not thwart their freedom. The attainment of our aspirations in the company of other persons is a natural, satisfying, and noble achievement, but only if it is free of coercion and compulsion, which are violations of individual sovereignty.

M. Liberals against Classical Liberals

Conservatives such as George Will and modern liberals (or as they are now often called, communitarians) unite against the classical liberal or libertarian on grounds that his view of human beings is too narrow. Will joins Harvard University political government professor Michael Sandel in claiming that "much damage is done when we define human beings not as social beings—not in terms of morally serious roles (citizen, marriage partner, parent, etc.)—but only with reference to the watery idea of a single, morally empty capacity of 'choice.' Politics becomes empty; citizenship, too" (Will 1998).

N. Voluntary Association

But this criticism, repeated often since Hegel and Marx, misses the point. Of course, human beings are "social beings." But this does not mean what Marx meant by it: that "the human essence is the true collectivity of man." Rather, it means that human beings live and flourish most in the company of others. The crucial point here is that the adult individual's social relationships must be voluntary, not imposed. Granted, the range of opportunities for such choice varies widely, with some individuals having few and, sometimes, poor alternatives available, but even then, the individual is responsible for at least weighing the options and choosing.

F. A. Hayek made this point as follows: “That freedom is the matrix required for the growth of moral values—indeed not merely one value among many but the source of all values—is almost self-evident. It is only where the individual has choice, and its inherent responsibility, that he has occasion to affirm existing values, to contribute to their further growth, and then earn moral merit” (Hayek 1992). Hayek also argued that “the growth of what we call civilization is due to this principle of a person’s responsibility for his own actions and their consequences, and the freedom to pursue his own ends without having to obey the leader of the band to which he belongs” (Hayek 1984).

Thus, human beings are properly held responsible for assuming various social roles in life in their marriages, families, politics, and so on, but this responsibility is empty if the relationships are not chosen but imposed by the likes of politicians and bureaucrats at the urging of thinkers like George Will and Michael Sandel. What Will mistakenly regards as a “morally empty capacity of ‘choice’” is, in fact, an indispensable prerequisite of the moral life. If, as adults, we are not responsible for our social relationships, then for what are we responsible?

O. Libertarianism Is Not Utopian

In all these matters, we may or may not succeed. There is no guarantee. The classical liberal or libertarian proposes a nonutopian form of community. Such an arrangement does not promise to solve all our problems. It rests on the recognition that free men and women might not solve their problems or might do so inadequately or incompletely. Some may squander their opportunities by deciding to sit idly, watching Jerry Springer all day long. There is no guarantee that people will do the right thing if they are free.

Yet, it is more likely that they will discover and do what is right if they are free, certainly more so than if they are regimented around by others who have their own lives to attend to and, in any case, ought to mind their own business.

P. Government Coercion

When government tells us what the minimum wage ought to be, how to run our business, or what requirements we should meet to become doctors, psychologists, chiropractors, and such, it is intruding on what we should address in our voluntary, cooperative

groups. Individuals acting voluntarily and peacefully ought to be free of petty or major tyrannical policies by people who wield guns.

That is a fundamental notion concerning public policy, according to the classical liberal or libertarian. Based on this, and on various details we learn from all fields of knowledge, we can create peaceful ways of dealing with a host of issues, including those that arise from cloning, education, drug abuse, child raising, mental health, and diseases.

There are numerous issues not covered by libertarianism and left for fields other than politics to address. But there is at least one point implied by libertarianism for all areas of social life: coercion is not suitable for any of it.

IV. Libertarianism

One has to fill in a lot of details to learn the implications of the fundamental principles of, say, physics for dealing with a particular area of the physical world. Similarly, in politics, the basic principles do not tell us everything. Rather, they provide a basic framework within which we must solve our problems. For the libertarian, this means that if we are going to solve problems in society, the only thing that is utterly forbidden is for anyone to violate another's right to life, liberty, and property.

Within that broad framework, we can consult with one another; we can cooperate to solve problems in biology, chemistry, zoology, physics, and countless other areas. We may never, however, use coercion, the violation of basic individual rights.

Only within a framework of voluntary association may human problems be addressed, according to classical liberal or libertarian political philosophy. Once you adhere to that belief, there is still considerable work to be done so as to flourish in life. Simply being free of the intrusions of others is not enough to live right; it is just a precondition. One must also do useful, productive, creative, and imaginative things with one's freedom.

The classical liberal or libertarian, as such, does not have an answer to all human problems. We have all the special disciplines and professions for that. The classical liberal or libertarian has answers to our political question: how, most basically, must we treat each other in a community? With full, uncompromising respect for one another's rights. No violation of those rights is permitted. That prominent and widely championed objective of economic equality—equality with respect to most matters of value to people—does not

trump the right to individual liberty, including the liberty to obtain and keep valuable stuff. Such equality is not attainable and may not even be desirable, given the widely divergent personalities and preferences of individuals. Additionally, those imposing economic equality (as it must be imposed, by force), will never be equal to those upon whom it is imposed. But even if it were attainable, such equality would be worthless if obtained via the violation of individual rights.

The philosophy of liberty is sound and makes sense. Let us now turn to political economy.

A. Libertarianism as a Political Doctrine

Libertarianism is the *political doctrine* wherein the highest political good is the protection of the individual citizen's right to life, liberty, and property. Capitalism is the economic system of libertarianism since, in libertarian societies, the right to private property—that is, to own and dispose of whatever one has justly acquired—is fully respected and protected.

Libertarian law rests on the idea that the individual is the singular component of society, with all groups to be formed by the consent of individual members, including the military, corporations, universities, clubs, and the government itself. What is primarily prohibited in a libertarian society is involuntary servitude. What is primarily promoted via the political administration is the liberty of all persons to advance their own objectives provided they do not, in this process, violate anyone's equal rights.

V. Capitalism

There is dispute about the label “capitalism” as the proper name for the economic order under libertarianism, mostly because the term has been variously and inconsistently defined. Some have insisted on the use of “laissez-faire,” in memory of the French entrepreneurs who responded to the king's question as to what the government can do to help the economy by exclaiming: “Laissez-faire, laissez passé,” or “allow us to do, allow us to act.” Some use F. A. Hayek's term, “spontaneous order,” to stress such a system's support of uncoerced behavior. There is also the more popular term “free enterprise.” Yet “capitalism” is most widely used, by both critics and supporters, as the economic order in which individuals have the right to own property and employ it on their own terms.

Capitalism is an economic arrangement of an organized human community or polity. Often, however, entire societies are called

capitalist, mainly to stress their thriving commerce and industry. More rigorously understood, however, capitalism presupposes a libertarian legal order governed by the rule of law in which the principle of private property rights plays a central role. Such a system of laws was historically grounded on various classical liberal ideals in political thinking. These ideals can be defended by means of positivism, utilitarianism, natural rights theory, and/or individualism, as well as notions about the merits of laissez-faire (no government interference in commerce), the “invisible hand” (as a principle of spontaneous social organization), prudence and industriousness (as significant virtues), the price system as distinct from central planning (for registering supply and demand), and so on.

Put a bit differently, “capitalism” or “libertarianism” is the term used to describe that feature of a human community whereby citizens are understood to have the basic right to make their own decisions concerning what they will do with their labor and property and whether they will engage in trade with one another involving nearly anything they may value. Thus, capitalism includes freedom of trade and contract, the free movement of labor, and protection of property rights against both criminal and official intrusiveness.

A. Freedom and Capitalism

The concept of freedom plays a central role in the understanding of both libertarianism and capitalism. There are two prominent ways of understanding the nature of freedom as it pertains to human relationships. The one that fits with capitalism is negative freedom: the condition of everyone in society not being ruled by others with respect to the use and disposal of themselves and what belongs to them. Citizens are free, in this sense, when no other adult person has authority over them that they have not granted of their own volition. In short, in capitalism, one enjoys negative freedom, which amounts to being free from others’ intrusiveness. The other meaning of freedom is that citizens have their goals and purpose supported by others or the government so as to prosper. Under this conception of freedom, one is free to progress, advance, develop, or flourish only when one is enabled to do so by the efforts of capable others.

B. Variations of Capitalism

In international political discussions, the concept of “capitalism” is used very loosely, so that diverse societies like Italy, New Zealand, the United States, Sweden, and France are all considered capitalist.

Clearly, no country today is completely capitalist. None enjoys a condition of economic laissez-faire in which governments stay out of people's commercial transactions except when conflicting claims over various valued items are advanced and the dispute needs to be resolved in line with due process of law. But many Western-type societies protect a good deal of free trade, even if they also regulate most of it as well. Still, just as those countries are called "democratic" if there is substantial suffrage—even though many citizens may be prevented from voting similarly, if there exists substantial free trade and private ownership of the major means of production (labor, capital, intellectual creations, etc.), the country is usually designated as capitalist.

C. Capitalism and Wealth Creation

The most common reason among political economists for supporting capitalism is this system's support of wealth creation. This is not to say that such theorists do not also credit capitalism with other worthwhile traits, such as encouragement of progress, political liberty, and innovation.

Those who defend the system for its utilitarian virtues and its propensity to encourage wealth creation are distinct from others who champion the system, or the broader framework within which it exists, because they consider it morally just.

The first group of supporters argues that a free market or capitalist economic system is of great public benefit, even though it depends on private or even social vice, such as greed, ambition, and exploitation. As Bernard Mandeville, the author of *The Fable of the Bees*, put it, this system produces "private vice, public benefit." Many moral theorists see nothing virtuous in efforts to improve one's own life. They believe, however, that enhancing a human community's overall wealth is a worthwhile goal.

D. The Morality of Capitalism

Those who stress the moral or normative merits of capitalism, mostly libertarians, say the system rewards prudence, hard work, ingenuity, industry, entrepreneurship, and personal or individual responsibility in all spheres of human life. These traits alone make the system morally preferable to alternatives. Yet, another reason given why libertarianism or capitalism is not only useful but morally preferable is that it makes possible the exercise of genuine moral

choice and agency, something that would be obliterated in noncapitalist, collectivist systems.

Capitalist theorists note that most critics of capitalism demean wealth. Indeed, they virtually attack the pursuit of human individual well-being and, especially, luxury, whenever there are needy people left anywhere on earth. More recently, they also object if any portion of nature is overrun by human beings, as if we were not natural creatures. But, the champions of capitalism argue, these objections stem from utopian thinking and begrudges anyone a measure of welfare, since some people will always be poor some of the time and people will continue to transform nature.

E. Capitalism and the Environment

Capitalism is not inherently reckless toward the environment any more than socialism or communism are inherently protective of it. Indeed, the strict and consistent institution of private property rights, through, for example, privatization and prohibition of dumping waste into other private or public realms, may solve the environmental problems we face better than any central planning champions of the environment tend to propose. Libertarians and capitalists think that the environment suffers worst when the “tragedy of the commons” is permitted, whereby commonly owned goods are overused since everyone is deemed to have a right to their use while no one in particular is left with the responsibility to care for them.

F. Individuals in a Capitalist System

Capitalism rests in large part on the belief that human beings are essentially individuals and a society’s laws must value individuals above all else. Most historians of ideas admit that whether the importance of human individuality should have been recognized in earlier times, it certainly was not much heeded until the modern age. Even in our time, groups—ethnic, religious, racial, sexual, national, cultural, and so on—are often taken to have greater significance than individuals. The latter are constantly asked to make sacrifices for the former. In capitalism, however, the individual, as the sovereign citizen or the consumer, is king. Undoubtedly, a capitalist system does not give prime place to economic equality among people, something that group thinking seems to favor since, in groups, all are deemed entitled to a fair share.

G. *Capitalism's Critics*

Let us spend a few lines on a prominent critic of the fully free society, Harvard professor Michael Sandel, who seems to distort the truth about this political doctrine.

Sandel is a well-known as a critic of the American political tradition of individualism, not so much by forthrightly disagreeing with its principles but, more often, by caricaturing what they actually are. He is a well-published professor, with numerous scholarly books and papers to his credit. Recently, he has gone pop, with appearances on various television programs and articles in popular magazines.

Sandel is renowned for characterizing individualism as nothing but a fanciful vision that champions isolation, social alienation, and some sort of artificial self-sufficiency that can do without friendship, family, and community. Consider the following quote from a recent article in *The Atlantic*, which is itself an excerpt from his book, *Democracy's Discontents*:

The traditional Republicans are uncritical advocates of the free market, free trade and the global economy and at the same time they pose as advocates of community and family values. But it is precisely unfettered markets that are now most responsible for the breakdown of community and traditional values. Wal-Mart, not big government, is responsible for the demise of Main Street across America. But most Republicans won't face up to that contradiction.

What is the appropriate response to this diatribe? First, traditional Republicans have never been uncritical champions of free markets. From Abraham Lincoln to Newt Gingrich, all have agreed to massive government intrusions on the economy, advocated innumerable favors for big business, would not dream of abolishing farm subsidies or repealing the interstate commerce clause of the U.S. Constitution, and have even imposed wage and price controls. Traditional Republicans have often been complicit in protectionism, even while paying lip service to free trade. This was true with Reagan and Bush and remains true to the present.

Secondly, there is no such system as an “unfettered market” anywhere in sight, in any goods or services trading in this country. Government regulations, from those enacted by city councils all the way to the federal government, make sure of that, and Sandel must know this very well. Finally, the reason that “Wal-Marts” are

overrunning the United States and every other nation is only partly a function of some efficiency they provide. Another reason is that small businesses are unable to cope with the wrath of government regulators. They lack the capital to fund teams of attorneys to figure out what they may and may not do or to initiate lawsuits in case they are found in violation of some of the millions of rules governments have decided they must live by.

Sandel knows all this, yet he seems averse to an objective understanding of American commercial or political life. Instead, like so many of his socialist friends, he mischaracterizes and maligns the polity of liberty envisioned in the Declaration of Independence and set forth in the Constitution. But revolutionaries ultimately care not about truth, only about their utopian vision. For the sake of realizing their dream of a well-regimented collectivist society, in which the community they think you ought to be part of will be imposed on you like it or not, they resort to intellectual vice. And it seems they have enough manuscript readers at the presses that publish them not to be called on the carpet for doing so.

Sandel would do well to team up with Oliver Stone and pen some fictional accounts of American economic and political history.

A final note: it should be clear to anyone who cares to examine the evidence that government involvement (intrusion) in the lives of American citizens is pervasive—indeed, more so than that of the church during the Middle Ages!

VI. Conclusion

One can hardly act on a major decision (or many minor ones, for that matter), without contending with a law, regulation, licensing procedure, tax requirement, or some other mandate, restriction, directive, or whatnot, from the authorities. We have, to a large extent, grown accustomed to this system, to accept it, often without complaint, so familiar has it become. The erosion of our liberties through the gradual encroachment of government goes unnoticed by many and is thereby all the more dangerous. Moreover, it is likely to continue.

Libertarians are aware of this problem, and know full well that our vision and message must strike some as “pie in the sky” or “utopian” or even “crackpot,” and strike others as unrealistic, impractical, and unachievable. Indeed, changing course at this juncture is a formidable task, but it is not impossible. Restoring liberties and moving toward the ideal of a fully free society can be

done carefully, incrementally, and compassionately, but only if we have the will to do so, inspired by the conviction that the most suitable society for human beings is a society grounded in liberty.

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