

## Two Philosophers Skeptical of Negative Liberty

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I am going to talk about two very prominent political philosophers who have chimed in powerfully on contemporary discussions of classical liberalism. One of them is Amartya Sen, who is a Nobel Prize winner in economics but also a very active philosopher. He's at Harvard University now but used to be the Master of Trinity College at Cambridge University in England. (I actually know Sen reasonably well because he was a guest lecturer at a university at which I was teaching over twenty years ago and we befriended each other and have stayed in touch.)

Sen is a very respectful critic of classical liberalism, not one who just brushes it off or treats it disdainfully. He taught at Harvard University when the late Robert Nozick was teaching there, and they co-taught a course for six years. When Nozick died, gave a eulogy at his funeral.

The other philosopher is Martha Nussbaum, member of both the law and philosophy faculties of the University of Chicago and a prolific author of books in ethics and political theory, as well as an active public policy advocate on the international front, championing mainly women's and egalitarian causes.

As for Sen, he is prominent in the area of developmental economics as well as in his critique of neo-classical approaches to values. He has a massive book out (the most recent one he has written—he has written many, many books), *Rationality and Freedom* (2002), and it contains quite a few of his powerful criticisms of market economics. He was very respectful of Peter Bauer and they often agreed as to what developing countries need in order to emerge out of their underdeveloped state.

Sen is what may be called a meta-economist, very concerned with the underlying assumptions of the discipline. For example, he has advanced an interesting critique of the tendency on the part of many economists to write off all values as preferences. He argues that there are umpteen ways the word “preference” can be used, not just the one many economists focus on. His ideas in this and other areas are very challenging.

In particular, however, when it comes to the concept of freedom—political-economic freedom—Sen deploys both a version of the positive freedom theory—namely, freedom as “freedom to,” meaning being free to attain certain ends by virtue of having the resources to do so—as well as the idea of freedom found in classical liberalism, one dubbed “negative liberty”—which means being free from coercion by others. Indeed, somewhat problematically he often lumps the two sense of “freedom” together without alerting us to which he has in mind. This may be due, in part, to his stress

on the form of negative liberty that leaves people free, via the democratic process, to enact public policy measures that secure positive freedom.

One thing we discuss in political theory is just what kind of freedoms there are. In the last fifty years or so, but starting much earlier with such writers as Thomas Hill Green, there has been a discussion as to whether freedom is best understood as a condition of not being interfered with, or rather as a power to achieve something. Is it *freedom from* other people's interference or is it *freedom to* achieve a certain goal?

Many people who support the welfare state, or the larger than classical liberal role for the legal system and government, tend to accept the notion of *freedom to* as an enabling condition due someone from others and to be secured by government. So that those, for example, who are poor (although nobody is interfering with them or contributing to their poverty by limiting their negative liberty via trade restrictions or property rights violations) and, therefore, unable to achieve certain goals it is deemed by many that they ought to be able to achieve, are not free in this positive sense of the term. Even though no one is preventing you from flying to Russia, if you can't afford to fly to Russia but it would be good for you to fly there, then you are not free to fly to Russia and those who might enable you to do so are deemed to be depriving you of your freedom. More pertinently, even though no one has deprived you of economic liberties—e.g., to produce goods and services, to enter into contracts with others—the valuable goal you

might pursue of obtaining health care or old age retirement is unavailable to you, thus limiting your freedom to flourish in your life.

This sense of freedom is very often deployed by people within the modern liberal political tradition. Yet many of them have some affinity with the classical liberal school because they believe that classical liberals unjustifiably and thus unwisely neglect this important kind of freedom. They hold that this freedom is required in society—the freedom to achieve various goals that are good for people, such as education, health, insurance, or social security. Some even argue that unless classical liberals acknowledge that at least the poor and deprived have a right to such positive liberty, their own theory of individual negative rights is incomplete. For example, University of Notre Dame philosophy professor James P. Sterba argues that for those entirely unable to act to advance themselves while enjoying their negative right to freedom that right is utterly meaningless—it cannot, thus, be reasonable for them to abstain from some violations of other's rights to such negative liberty, especially property rights. And they believe that once it is accepted that a government ought to protect our positive freedom or liberty, room will need to be made for a lot more interventionist public policy such as wealth redistribution and economic regulation than most classical liberals would favor.

Why does Sen think that this freedom is equally important—if not even more so—as the negative freedom requiring that people not intrude on one

another? Part of the reason is the underlying conception of human nature. What that conception is makes a big difference to what sort of freedom one will champion. If one believes that, as a rule or for the most part, human beings who are not being interfered with by others have the capacity (with some help from intimates, of course) to secure for themselves what they need so as to flourish in their lives, then one is going to emphasize being *free from* interference because the central condition that an adult needs to flourish is not to be oppressed by other persons—that is to say, not to have others constrain them. In short, human beings in society require, first and foremost, their sovereignty.

Once oppression stops, normal adults can get innumerable tasks accomplished, various goals achieved—maybe not all at once, not all equally effectively, but nonetheless with considerable promise. The major obstacle to our advancing in life, based on this idea of human nature, is other peoples' interference (as identified by a theory of rights violation or freedom abridgement). Once that is fended off, prohibited, or penalized by law, people will have the chance to exercise their initiative—their capacity to make the necessary moves to improve upon their lives—and flourish in life. Thus they don't need to have others be conscripted so as to serve them—they will find mutually acceptable ways for them to attain their peaceful goals.

That, certainly, is the main theme of classical liberalism, with some variations on the specifics depending which classical liberal is talking. Having barred coercion or initiated force, the human potential to get things done successfully is unleashed; therefore, the idea that people ought to be forced to support each other is opposed and taken as the main impediment to their flourishing in their community existence. Of course, even for classical liberals, there are some exceptional cases where people are incapacitated or in a state of emergency such that they will probably need help, but the classical liberal, who champions freedom from interference, tends to maintain that even in those emergency cases free men and women will come to the assistance of those in need. There, in short, will be voluntary organizations, service groups and so on, so there is no need or justification to get government to meddle in these affairs—society is enough, politics is not necessary, to cope with exceptional cases or emergencies.

Those, however, who believe that human beings are ill equipped to get ahead on their own—that they are either too ignorant, too weak, too poor, or in some other way deficient to pursue a fruitful life—will hold that being free from interference by others is not enough for human flourishing. Sen is amongst those. When he uses the words “development as freedom”—in, for example in the title of one of his most prominent books—the word “freedom” there means not just the classical liberal freedom of not interfering with people, but it means a condition of being enabled by the legal order—first

via the negative right to freedom to vote and then the positive right to wealth redistribution—to escape their poverty, ignorance, or sickness, and to move ahead via such support from others. To make this possible, it is necessary to conscript others who are already well enough enabled to do work for those in need, ergo extensive systems of confiscatory taxation in systems of justice that characterize the welfare state or democratic socialism. Those so conscripted may not want to do contribute to this goal; they may want to do something else—either productive or wasteful—with their lives. But it is taken to be a matter of justice that they must be made to yield to the conscription and expropriation that is required to secure these benefits for the needful.

The matter may be discussed in terms of either freedom or rights. So there are then positive and negative freedom or rights advocates. The classical liberals tend to embrace the notion of negative freedom or rights whereas welfare statist and socialists are more sympathetic to the positive freedom or rights position. The idea for classical liberalism in either cases is that no one is justified to intrude on the lives, liberties and property of anyone else who hasn't given permission for this to happen, which implies that there is a prohibition against others' entering one's sphere without one's permission. (The exact specifications of such a sphere are to be established by various ethical and legal proceedings.)

On the other hand, those who accept the notion of positive freedom or rights tend to think that everyone in need must be provided by those able to do so with goods and services. That is to say, just for being a human being, especially in modern societies, one who is deprived is entitled to other people's support, especially when one lacks such support relying only on one's efforts and those who would voluntarily help out. In other words, if unable to support oneself, that ipso facto imposes a duty on capable others to provide the support. That is the positive freedom or rights thesis, and that's where we get the notion that in a modern welfare state one has many entitlements to such things as social security, education, a minimum wage, health insurance, prescription drug benefits and the rest. In order to secure these entitlements—in order to get one's freedom or rights to these protected—the government may tax those already sufficiently well off and make sure that those in need are supplied with support.

Again, when discussed in terms of rights, there is an assumption underlying the negative rights position that as long as someone's negative rights are respected or protected—that is, one's right to liberty, property, freedom of religion, freedom of speech—one is going to be able to cope and flourish in one's life (perhaps with a little help from one's friends or various voluntary agencies). This is because the only thing that significantly impedes the governing of one's life—that is, one's sovereignty—is other people intruding on it. Here, too, exceptions are by no means denied but

voluntary assistance is deemed by champions of negative rights to bail out those in special need or facing emergency situations. The best solution to lacking what one needs is to go to work and produce what will alleviate it. If one hasn't got a job, one is supposed to find one in the market place where many offers of employment are anticipated. If one lacks an education, one is supposed to get one or rely on one's guardians or parents to provide it since they have taken on this responsibility, not one's neighbors or fellow citizens.

Again, the classical liberal, libertarian idea is that young human beings are quite capable of growing up with the support of those who thoughtfully invited them into their lives—parents, guardians, etc.—and they will eventually be able to supply themselves with these needs. And those in desperate straits will find support without having to violate the negative rights of anyone.

Some people are obviously more adapt at coping with this task of self-development and with obtaining voluntary support from others and some are even luckier because their parents are richer or they are prettier or healthier or whatever than are others. The idea of human nature underlying negative rights, as with the idea of negative freedom, is that, providing that one isn't interfere with by others who have the choice to abstain from such interference, one is going to be more or less able to secure for oneself what is necessary for a reasonably prosperous, healthy, flourishing life.

In contrast, the positive rights—just as the positive freedom—view tends to be supported by a passive conception of human nature. People are rather inert and helpless, even when nobody is intruding on them, nobody bothers them. They will basically remain poor even if the obstacles others' intrusiveness poses to them are removed—for instance, slavery is abolished, conscription is banned, criminal interferences of all kinds are stopped, and the confiscation of the fruits of their labor and luck is stopped. Despite all this, the positive rights position assumes they will probably not escape poverty, ignorance, social insecurity and so forth. (Harvard University's John Rawls, the twentieth century's most prominent political philosopher held to such a passive view of human nature, arguing that we are molded to be who we are, including what virtues or character traits we will possess. He was reputed to be in agreement with the behaviorist conception of human nature advocated by his colleague B. F. Skinner.)

This position sees human beings not so much as active, creative, productive, self-motivated and forward moving but as nearly fixed in a certain state or circumstance and moved only by prompters from their environment. So unless others are forced to support them, which is to say, to provide them with necessary goods and services, they will most likely remain where they are, that is, undeveloped economically, psychologically, educationally, and any other way pertinent to human flourishing.

Oddly enough, in the history of the thinking about human nature there are certain classical liberal views concerning that concept which support the positive freedom or rights position. Many classical liberals with a scientific bent of mind—which to quite a few has meant a classical mechanistic or reductive materialist viewpoint—reject the idea of free will, for example. They embrace the idea that people are complex objects being moved by various factors in their environment or genetic makeup. Only if those factors are there, will they be moving forward. On their own, they are not able to do that because there is no room for initiative in their metaphysics or scientific outlook. (It is for this reason, mainly, that the concept of entrepreneurship, which presupposes the capacity for taking the initiative in economic problem solving, is difficult to make room for in neo-classical theory. This is also where the Austrian School seems closer to the more humanistic rather than scientific tradition of social science.)

A good many people of the modern age have this view of human beings—that we are only moving because we are being moved—on our own, we would remain static, we would not make any progress. This clearly comes from classical mechanics, where any object's motion is a matter of momentum or being moved by something else. For many classical liberals with this scientific bent of mind, then, the notion was that everything naturally moves forward, so what is needed is the removal of obstacles, including government interference and regulation.

But others took a different approach. For them the idea was that the state needs to spur people into action because otherwise people will languish inertly. We lack personal initiative or the freedom of the will to get things moving on our own. This second idea of the conception of inert human nature tends to support the positive rights and positive liberty idea, whereby what is important politically is to arrange things in such a way that people are given the support because without it they are not going to make progress, to flourish. It is this that lies behind much of the thinking that we find in, say, John Maynard Keynes when he admonishes the government to stimulate employment. Yet it is also part of supply side thinking, which focuses on stimulating production!

So for the issue of whether there is to be a genuine, bona fide free society and market place, the decisive issue is, "What conception of human nature is actually right?" Are we self-movers, self-governors, and sovereign beings to at least a substantial enough degree so we can thrive in peace? Is our freedom *from* oppression sufficient to achieve a progressive forward-moving economic system? Or do we need aggressive support from above?

Now a paradox of the latter idea is that if we do need this support from above because people lack initiative, how come people administering public policies—that is, those in government—possess it in sufficient measure that they can change things for the rest of us? That's always an interesting question. Why are people who move into a bureaucratic office

suddenly enabled to make all kinds of moves in society that are progressive, helpful, pro-active and creative while those whom they are serving in society are not? But I am getting ahead of myself.

There's another source of the positive freedom or rights thesis, more of a moral position than one about human nature. This is that we all belong together, form a kind of team—what in Marx appears the specie-being thesis. This is the view of society as a family, clan, or tribe. Like a team, if a member of it isn't quite up to snuff, other members need to pitch in, even come to this member's assistance to enable the person to resume a productive role within the group. If there is someone in the family who is not proficient at self-help, self-government, the morality of familial relations requires that other members of the family pitch in.

Many people who support the welfare state believe that we ought to look at society like this, that we are all together in the same boat and if somebody is in need of certain support, it is not just a matter of generosity, charity, or compassion to help them but of a legally enforceable obligation. In this framework one isn't really being oppressed when forced to provide for somebody. Instead one's debts are being collected—via taxes and such—so the needy in the tribe or clan can be supported. Anyone refusing to provide that support is simply to be made to do the duty he or she owes (as a matter of social contract or natural obligation).

A lot of people have a frankly collectivist view of society, whereby individuals are not deemed to be sovereign—rulers of their own lives—but are natural team members. Not only Karl Marx but his French near-contemporary, Auguste Comte, embraced this idea, as do such neo-Marxists as Charles Taylor. Communitarians tend not to be completely clear on this but judging by their frequent denunciation of individualism, their caricature of it as “atomistic,” they too may be included among those who hold at least a moderate collectivist position and posit enforceable obligations we owe to the group to which we “belong.” They hold that our legal obligations extend to everybody on the same team.

The question is, “Is this outlook correct? Is it sound?” If so, the positive liberty or rights position gains considerable support.

Sen seems to think it is—at least, to a significant extent. The freedom he believes is needed for development includes the positive type, whereby the successful members of society may be compelled to do service for the less than successful ones even though they have done nothing to make the latter badly off. By this stance, we are all in the same boat and so when people need help, the rest have a legal obligation help. The needy are due this help and those able to provide it may be forced by legal authorities to do so even when they have goals of their own that don’t coincide with this. But their own “egoistic” or “individualistic” goals are not as important as their “cooperative” obligations, given the underlying idea of human social

relations. Here is the source, also, of the incessant concern with fairness or impartiality, as if society were the family dinner table at which the primary moral issue is to treat every member with equal concern. (A very good example of thinking along these lines may be found in Ronald Dworkin, *Sovereign Virtue, The Theory and Practice of Equality* [Harvard University Press, 2000].)

Many embrace some version of this view—it is very prominent and it flies squarely in the face of the classical liberal idea of a just polity, wherein one is one's own master and has the right to decide what to do, for better or for worse, even if considerable inequality in wealth and other values results from this regime of free choice. (The late Robert Nozick made the point emphatically, in his process theory of justice which he placed in opposition to John Rawls' end-state theory which stressed the importance of "justice as fairness.") In the classical liberal regime if one does not choose to give help to needy people one may—but need not—be stingy, greedy or otherwise morally remiss but nobody is authorized to coerce someone do anything for anyone else. Ethical conduct has to be a matter of one's own free will.

The classical liberal position, of course, includes a kind of moral individualism—where even though it is recognized that individuals often have moral responsibility to others, those have to be carried out voluntarily. If you carry out an obligation to help somebody because somebody makes you help the other person, that doesn't make you a good human being; it

doesn't make you generous or charitable, does not render your conduct morally proper. Basically if that is how it transpired that you behaved generously or charitably, you did this because you are afraid to go to jail and so you complied with the order to come up with the required support. This means, within the classical liberal tradition—especially its normative version—that one's moral nature is now being impeded because one is not free to make choices—you are not accorded the right of freedom of choice as a moral agent must be. (This idea comes through most clearly in Kant's motto that "ought" implies "can.")

Sen, to a significant degree, and those even more egalitarian than he is who share his views deny all this; we don't have a right to our lives, at least not an unalienable right that authorizes us to fend off those who would conscript our labor and confiscate our property so as to feed the needy (and fund all those who administer the redistribution that this policy entails). Our lives belong to a considerable extent to the society, race, clan, tribe, nation or humanity.

A good very example, mentioned before, is Comte the "Father of Sociology." Comte was going to reform religion to base it on a secular rather than a supernatural foundation without losing its moral substance that we are obligated to serve others or society (because throughout we have been bequeathed all these values). So when we come into this world, we are already obligated to everybody to repay a great debt (never mind that debts

are owed to those who provide others with goods others willingly accept on specific terms). By Comte's lights we do not have the freedom of choice according to this view but are, instead, indebted in such a way that legal authority are authorized to extract payment. As Comte has it, the moment we are born, we are burdened with these obligations that can be imposed on us by law. That is another way to support the welfare state.

Everything we have belongs then to Humanity...Positivism never admits anything but duties, of all to all. For its social point of view cannot tolerate the notion of *right*, constantly based on individualism. We are born loaded with obligations of every kind, to our predecessors, to our successors, to our contemporaries. Later they only grow or accumulate before we can return any service. On what human foundation then could rest the idea of right, which in reason should imply some previous efficiency? Whatever may be our efforts, the longest life well employed will never enable us to pay back but an imperceptible part of what we have received. And yet it would only be after a complete return that we should be justly authorized to require reciprocity for the new services. All human rights then are as absurd as they are immoral. This ["to live for others"], the definitive formula of human morality, gives a direct sanction exclusively to our instincts of benevolence, the common source of happiness and duty. [Man must serve] Humanity, whose we are entirely. (August Comte, *The*

*Catechism of Positive Religion* [Clifton, NJ: Augustus M. Kelley Publ., 1973], pp. 212-30.)

Sen seems to accept this at least part of the way, although he is ambivalent because he also favors a substantial role for free market-solutions to problems. And he is also far more of an individualist, insisting that men and women require room to govern their own lives. (Sen's work on the issue of ethnic identity versus rational choice—regarding *who* any person really is—is very supportive of a classical liberal point of view. See his short pamphlet, *Reason Before Identity* [OUP, 1999].) Yet, when certain types of needs arise, then market solutions are no longer sufficient for Sen. Still, he supports, for example, liberalizing institutions, the infrastructures of various third world countries. That liberalization involves, in large measure, the classical liberal's unleashing of people's energies, thereby making countries prosperous and successful just as many classical and neo-classical, including Austrian, economists have envisioned this since and even before Adam Smith. But it also involves making it possible for voters to support the enactment of wealth redistribution public policies.

So Sen is one of the "third way" thinkers, neither a socialist, nor a capitalist but in the middle, like welfare statist—or "market socialists"—are. They defend a certain measure of negative freedom or rights, but they don't want too much of it; they value a certain measure of coercion—although they do not admit that this is what they value as they call it positive liberty,

rights, or capability—but they don't want too much of this either. Sen is probably one of the most prominent, intelligent advocates of this position, which he has dubbed the “capability approach” and which is now an international movement very prominent, for example, on the World Wide Web.

The classical liberal's answer to that is, in essence, that the trust in the government's method of solving social problems, namely, coercion, is tragically misplaced. If human beings aren't generally going to be kind, generous, and charitable of their own volition, as they are exposed to peer-pressure and their own conscience, then there are scant grounds to believe that those administering governments are going to be that way.

Governments are institutions administered by people subject not less but more to the temptation to skirt their moral responsibilities since they possess awesome powers with the law backing them. (Here is where the Left's refrain about the alleged power of corporations misses the point: Without the backing of government, those corporations would only have economic power, which is to say, the admittedly considerably ability to promote, but always peacefully, their goods and services to sovereign consumers.)

The paradox Sen and others with faith in the government's efforts to achieve a desirable distribution of benefits and burdens is that if you don't trust other people in their free market or private sector operations to do what is

right—e.g., to be kind, helpful, and otherwise supportive of those who are in need—why trust the those in government who possess, in fact, a shield against accountability for their moral failings—called “sovereign immunity” in certain legal systems? Public choice theory goes a very long way toward demonstrating that the priorities of bureaucrats and politicians, even before entering “public service,” quickly start centering on advancing their own special objectives. Which is quite natural, given that the system in which they serve the idea of the public interest, and thus of public service, is so bloated and confused that in fact only special or vested interests are left to work for. (The classical liberal advances, in contrast, the far more modest notion of the public interest, namely, the protection of individual negative liberty or rights for all those who are being served by a legal system. This is a genuine public interest since all citizens are benefited from such protection. As Hayek made the point, “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 the earn moral merit.”

The other thing, even more significant, that’s distinguished classical liberals is that they believe human nature does not in fact support welfare statism. Human beings need mostly to be free from intrusiveness, from

oppression and whatever help they require must, therefore, be obtained voluntarily. Despite the widely promulgated idea that food is more important than liberty, that coercive measures to feed them must come before the luxury of individual liberty could be afforded, unless men and women are free, they will hardly be able to produce food for themselves and their loved ones. What they produce will, instead, be confiscated and redistributed so they will generally find their work given direction by others, usually to ends that do not support their own well-being.

In a condition of freedom, when their rights are respected and protected, men and women will be able to discover how to improve their lives; even if they have a very slow start with it, even if some struggle will have to be involved, this is the most reliable way to have a society that will prosper best, one where people can have their needs best met—leave ignorance and poverty by becoming reliant on their own initiative and the initiative of their family members, neighbors, friends and those who would trade with them for mutual satisfaction (which is most likely to lead to mutual benefit). In other words, political solutions are not the answer to social problems for the classical liberal, whereas it is for the welfare statist. The two differ most decisively on their conceptions of human nature. And the argument on that issue is quite heated in our time—whether people have, for example, consumer sovereignty or are can easily be made dependent upon corporate manipulators, whether they can choose to become obese or

habituated to smoking or using credit cards or are these matters out of their own control.

Let me now turn, somewhat more briefly, to another very prominent supporter of the kind of polity Sen advocates. Sen's frequent co-author and co-worker, Martha Nussbaum—co-author of some of the essays in Sen's famous book, *Rationality and Freedom* (Harvard University Press, 2002)—advances a defense of the welfare state on an explicitly Aristotelian basis. This is interesting for me, especially, and to some others who support classical liberal thought from a neo-Aristotelian position—say, to the late Ayn Rand and Murray N. Rothbard, to Douglas B. Rasmussen and Douglas J. Den Uyl, Fred D. Miller, Jr., Eric Mack and me. These all believe, along with Aristotle—as well as Nussbaum—that there is a right and wrong way to be and act based on a proper understanding of human nature (or essence). They too hold that an objective list of human moral virtues spells out the ethics we ought to practice so as to most likely lead a successful human life.

This is not an odd view at all. Without a conception of human nature, mainly along Aristotelian lines, one cannot make out a case for a universal ethical system, based not on sectarian views but on what is accessible to all people, namely an understanding of what, in essence, we all are and what it takes to live our lives best in the most general terms. Thus many thinkers still rely on this aspect of Aristotle—updating him a little, adding some

modern elements, excluding some ancient ones (e.g., his elitism, his endorsement of slavery and the differential treatment of women), and so on.

So how do Nussbaum and these Aristotelian classical liberals differ? How does Nussbaum end up favoring the welfare state and egalitarianism while the others consider these unjust?

Probably the most important reason is that Nussbaum believes that Aristotle's apparent endorsement of the state's cultivation of our moral virtues—of inducing us to do the right thing—is the right way to understand politics. Aristotle is also taken to be something of a communitarian who favored the interest of the *polis* to which the interest of its citizens may be sacrificed, if need be.

Aristotle had roughly this doctrine: As people grow up, at first their parents habituate them to practice the moral virtues they will need to lead an excellent human life, one that is devoted largely to making the *polis* a success. After reaching maturity, however, the rest of society and, as most understand Aristotle, even the government, takes over this task. (There is a debate afoot as to whether Aristotle really meant for the state or members of one's community to properly carry out the "virtue-making" policies. Fred D. Miller, Jr., has argued for the latter idea. And there is also debate about whether Aristotle saw the *polis* as having priority over the citizens who constitute it.) So Aristotle is seen by Nussbaum and by others as a

supporter of the paternalistic welfare state because he has a proactive view of government as far as fostering the moral virtues of the citizenry.

One source of support for this paternalistic view of Aristotle is that he discusses the ideas of the sophist Lykophron, whose position is quoted very cryptically in the *Politics* to the effect that the proper role of government is “a guarantee (or guarantor) of mutual rights.” Aristotle rejects this, arguing that the government—or is it the community?—must do more, not merely protect rights. This is akin to the current debate between welfare statist and classical liberals.

Nussbaum embraces the welfare statist understanding of Aristotle and even takes it quite a bit further. Based on an Aristotelian conception of human nature, she advocates a more egalitarian *world* government, actually. This world government or global public policy agency isn't only to support moral virtue but substantially order our way of life by enforcing public policies that equalize conditions in society which are a source of acrimony, upheaval, and instability. (In this Nussbaum is joined by such non-Aristotelian political philosophers as Peter Unger and Peter Singer.)

Now one matter that seriously differentiates Nussbaum from the classical liberal Aristotelians is that the latter do not believe that moral virtues may be enforced. They need to be practiced as a matter of choice, voluntarily, because they are accepted as a matter of conviction, not from fear of punishment and other coercive methods. (Recall the point above

made by Hayke about negative freedom being “the matrix required for the growth of moral values.”) Yes, it is vital to be morally, ethically good but only free men and women are actually qualified to embark upon that project. Moral virtues such as generosity, moderation, prudence, and honesty are all to be practiced because one chooses to practice them, not because one is regimented to behave in line with them. (Only justice, in its political sense, may be subjected to enforcement because justice involves keeping proper borders intact between people, preserving their respective sovereignty or autonomy.)

Nussbaum’s mistake, as the classical liberal sees it, involves destroying morality, demoralizing society, in the haste to reach a certain state of affairs that she deems proper—economic and similar equality among people. Even if this were the highest ethical objective, it certainly may not be the highest political one. That must fall to securing everyone’s right to liberty which, then, makes it possible for everyone to freely practice the moral virtues, perhaps including the measure of generosity and charity—via various private acts and organizational policies (giving, embarking on philanthropy, etc.)—that will achieve the desired equality. But it is all compromised if people are forced to part with their labor and wealth to achieve this. Furthermore, the desired equality among them will also be seriously compromised by empowering some of them to engage in this forced collection and then redistribution of wealth. This must, as Robert

Nozick showed so clearly with his famous Wilt Chamberlain example in *Anarchy, State, and Utopia* (Basic Books, 1974), lead to a substantial police state.

I leave aside for the moment the issue of whether the egalitarian ethics of Nussbaum has merit—for more on that, see Tibor R. Machan and Craig Duncan, *Libertarianism, For and Against* (Rowman & Littlefield, 2005). Suffice it to say that Sen and Nussbaum are the kind of defenders of the welfare state—or more—with whom it is possible to join issues, although whether they would actually engage in the discussion with a fully open mind is difficult to tell. (It is difficult to tell who is able to do that, once they have gone through much of their lives laying out what they take to be a solid enough case for their convictions.) Still, whether addressing Sen and Nussbaum directly or only those who pay close attention to their views, classical liberals need to come to terms with both of these thinkers because they are very highly respected by the scholarly community, write with finesse as well as verve, and, correspondingly, and are studied widely by the young scholars and intellectuals who are preparing to become influential in how members of society will think about ethics, politics, and public policy. Indeed, arguably these two thinkers are today the most influential in global public policy and classical liberals ignore their work to the great peril of the prospects of their own ideas and ideals.