

BOOK REVIEWS

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TIBOR MACHAN. *THE PASSION FOR LIBERTY*. LANHAM, MD.:
ROWMAN & LITTLEFIELD, 2003. Pp. xiii, 243.

**TIBOR MACHAN. *PUTTING HUMANS FIRST: WHY WE ARE
NATURE'S FAVORITE*.** LANHAM, MD.: ROWMAN &
LITTLEFIELD, 2004. Pp. xvi, 137.

For years, Professor Machan has been our most published libertarian philosopher. His writings range from the foundations of libertarian moral theory and applications to comparative economic systems to issues such as animal rights. *The Passion for Liberty* restates the case for the free society as many libertarians see it, while *Putting Humans First* debunks the idea that animals might have rights and other shibboleths of contemporary environmentalism. The two topics fit well together. The premises of the former are the same premises that render such notions as animal rights untenable.

The Passion for Liberty makes the case for why a society in which government is limited to encoding and protecting individual rights is morally best. The initial questions: How should human beings live with one another? Why is the free society the best possible society for allowing us to flourish? To reach the bridge from *The Passion for Liberty* to *Putting Humans First*, what is it about us that make us “nature’s favorite,” as Professor Machan puts it?

Begin with *rights*. Professor Machan has long disputed the idea that rights are simply inventions or conventions. To consider them as such would render them essentially arbitrary; they could well be in constant flux, different in different societies or even in different stages of the same society. Professor Machan observes:

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Under such a regime, the powerful will rule—by virtue of their power, not by virtue of the clarity and truth of ideas that can justify particular social conduct. (*The Passion for Liberty*, p. 4)

A free society must adopt a political and ethical system recognizing individual rights grounded outside human conventions or consensus, in a theory of reality and our place in it. The concept of individual *natural* rights is most at home in a theory of reality that sees the world as a plurality of determinate classes or kinds of entities that act in accordance with their natures (Aristotelian essentialist realism). Humans are one such class. An entity's nature, established by what *kind* of thing it is, can either be realized to some degree or not. The more an entity's nature is realized, the more *good* we say it is. We speak of a *good* peach as a peach that has most fully realized its nature as a peach, and has the best taste when one bites into it.

In this case, what is a good life for a person? Setting persons apart from every other natural kind we know of is their capacity for rational thought and considered choice. This capacity is a constant, although different persons employ it differently. This, for Professor Machan, is the key to an ethics based on natural rights theory: we live a most fully realized human life—an ethical life—by exercising our capacity for rationality whenever possible. Indeed, doing so is necessary for survival. Unlike animals, serviced by instincts alone, human beings must understand their surroundings conceptually and adopt specific courses of action, or they starve.

Morality, in this view, is uniquely human because we have a fundamental choice: life or death (*The Passion for Liberty*, p. 75). In other words, given that reasoning is central to human nature, our first moral responsibility is to do so, to learn and then to act on what we learn about our surroundings to better our condition. Only individuals can think or initiate action, and no one can do either for another; human collectives cannot think or act at all. Thus, morality is irreducibly *individual*; what follows is ethical *individualism* (or *egoism*). Collectivism remains our gravest intellectual error; natural rights are *individual* rights:

It is everyone's natural right to be respected for what he is: a human being capable of choosing to live, to think, to act rationally, and to interact with others by respecting their rationality. (*The Passion for Liberty*, p. 14)

We have a right not to be murdered, assaulted, robbed, or otherwise coerced into adopting a course of action other than our own choosing.

So-called negative rights—natural rights—are individual rights to life, liberty, and property. They are moral claims on one’s own mind and its products—“spheres of liberty wherein the agent has full authority to act” (*Putting Humans First*, p. 10) and to pursue the course of action that one judges will most likely lead to a better life.

Of course, no two individuals are alike. So while it will invariably be good to be productive, what this amounts to will vary widely. We pursue life, liberty, and property in different ways. This is why rights are best realized in human communities; recognition of individual rights amidst this genuine human diversity creates the condition for trade to take place, and so helps maximum human flourishing. Human communities are *just* if they build these principles into civil law.

This leads to capitalism, because capitalism provides the greatest amount of moral space to those willing to adopt rational courses of action to improve their economic status, this being one important way persons achieve happiness. The individual is supreme in determining the course of his own life. This includes freedom to make choices that other individuals may deem wrong, but that should be permissible in a free society if they do not interfere with the free choices of others. The argument, it is important to emphasize, is that capitalism is morally right because it promotes liberty, an end in itself.

Professor Machan rejects exclusively economic arguments for capitalism, on the grounds that these arguments tend to derive the value or moral worth of capitalism from its benefits to society. Instead, he argues that capitalism follows from a consistent defense of natural individual rights. It promotes the good life for the individual person. Economics is only one aspect of the good life. He writes: “Economic productivity is not an end in itself. It serves the more fundamental and greater end of human life” (*The Passion for Liberty*, p. 46; cf. also pp. 73f).

Professor Machan explains two conceptions of freedom. The first is the classical liberal conception as freedom to act without coercive restraint or hindrance. The second is the modern conception as freedom from specific obstacles. The former conception does not promise either that all will advance economically or that all will end up economically equal. The latter conception sees this as a flaw in market thinking. Furthermore, it requires that manacles of coercion be placed on some people to help others overcome obstacles.

Among Professor Machan’s targets is the late Harvard political philosopher John Rawls, whose justice-as-fairness standpoint reflects

the thinking behind the modern welfare state. Rawls saw much of human life as a product of sheer accident. He believed most human beings cannot extricate themselves from bad situations by their own means. His conception of human nature is characterized by the passivity of the “soft” determinist. “Positive” rights—alleged rights to specific goods and services (e.g., a minimum wage, health care, etc.)—were developed out of this conception. A positive right, unlike a negative right, cannot be acted upon by any means other than government coercion—relieving some of the fruits of their labors and distributing them to others. Such arrangements violate the *natural* rights of individuals. This is sufficient to reject them as immoral, although it is also useful to point out that they constitute a drain on the productive energies of individuals that invariably damage their capacity to flourish and eventually lower the overall standard of living within their communities.

Professor Machan also addresses communitarians of various sorts, as well as Naderites. Classical egoism does not, as they allege, neglect the social side of one’s nature, since voluntary interactions with others can greatly enhance and enrich one’s efforts to achieve happiness through success in career, marriage, and so on. Nor does it give conflicting advice of the sort alleged by critics of classical egoism who hold that the egoist cannot advise another person to act in her best interest if doing so would work against the egoist’s best interest. The correct way of approaching such potential conflicts, notes Professor Machan, is to ask what rational course of action would best serve one’s long term best interests? The question is open-ended, and its resolution is likely to be situation-specific. This does not preclude rational resolution to conflicts of interest.

This is the basic framework of *The Passion for Liberty*. Professor Machan applies it to a number of problems areas and conceptual issues, in chapters several of which were originally independent pieces. These problem areas include immigration, military policy, foreign interventionism, gun control, affirmative action, violence, and so on; the conceptual issues include democracy as an ideal, class warfare, government debt, and so on.

Professor Machan’s *Putting Humans First* surveys various green and animals rights arguments and refutes them within the framework offered above. The concept of animal rights turns on the anti-essentialist assumption that the difference between animals and human beings is a difference of degree or complexity and not a difference

in kind, such as our ability to reason would imply. Such arguments also neglect that animals live under quite different conditions from humans. Animals are not merely eaten by humans, they eat each other out of survival instinct. The idea that animals have rights has the consequence that such rights would apply not just against humans, but against other animals. Thus, a lion has done something immoral in attacking and eating an antelope to feed itself. This, of course, is absurd. *Rights* came about because rights are appropriate for describing the moral basis for how human beings ought to live with one another. They are not appropriate for describing the relationship between humans and animals.

There is considerably more in *Putting Humans First*, including Professor Machan's account of how much of modern ecology is a cover for statism, and how a sound environmentalism would "put humans first" by recognizing that what is owned privately is taken care of. A *commons*, on the other hand, owned by everyone and hence by no one, tends to deteriorate. Protecting private property rights is the best available cure for whatever environmental woes can be clearly documented.

There are enormous strengths in this brand of libertarianism which place it above most moral philosophy available today, especially in its concern for much-maligned problems such as foundations. However, Professor Machan's version of libertarianism has features that worry me. Much libertarian moral theory works under the assumption that human nature is the best available foundation for individual rights. Clearly, our moral agency is grounded in something unique about us. The individual's capacity for independent thought and rational action is likely the best place to begin in putting our finger on this uniqueness—to the point of justifying "speciesism" (*Putting Humans First*, pp. 25f.). However, there is more to human nature than rationality. What if other components of human nature are flawed—for example, by what Christianity describes as sin? Would it be valid to raise such an issue? Does it constitute an objection to Professor Machan's position, or to libertarian thought more generally?

Begin with political history. One cannot miss the extent to which tyrannies vastly outnumber societies in which individual rights are respected. The latter, in fact, can be counted on our fingers—and respect for individual rights in the United States has mostly eroded. In most places, the powerful do in fact rule—and make the rules to suit themselves. We Americans tried to change that. Jefferson said

that vigilance was the price of liberty, but we have not been particularly vigilant. There seems to be a minority in any population whose members think in terms of power, and have no use for individual rights. Those in the larger population do not think in terms of power, and this renders them vulnerable. An inability to control our own power-seeking minority stands as the central failing of our own attempt to preserve a political and economic system that respects individuals' natural rights to life, liberty, justly-acquired property, the pursuit of happiness, and the rule of law. It is almost as if most human beings are not naturally inclined to see the big picture, or to learn what must be learned to preserve liberty.

This state of affairs cannot be attributed to this or that political system or population. The pursuit of power by some along with lack of vigilance by others—and the effort to obtain as many rewards as possible through as little work as possible¹—are surely human traits as fundamental as the capacity for reason. They have an equal claim on universality, even if they interfere with rational action (and is Hume's ghost whispering that reason really is the slave of the passions?²).

It is not merely that individuals fail to use their rationality to identify and then act to carry out those choices that will best allow them to flourish. I don't think one need embrace Rawlsian welfarism to recognize that, in most places, people often are not responsible for and cannot extricate themselves from various conditions. Their actions are blocked by strictures traceable to their governments. Through no fault of their own, they cannot flourish. In the full sweep of history, probably most human beings have never realized their fullest potential or lived lives that would be considered *good* by Professor Machan's standards. Most, moreover, are not recompensed, but utterly forgotten. This seems a moral tragedy.

The situation is possibly worse. According to Professor Machan, morality is a product of the conditions for human survival and flourishing—the original choice is life versus death. Now it may well be true that we must reason and take action to survive. Yet, does it necessarily follow that we have a *right* to do so? There is a logical gap in the move from conditions for human survival, based on human

¹Bastiat made this observation in his classic *The Law* (Irvington-on-Hudson, N.Y.: Foundation for Economic Education, 1987), pp. 9–10.

²David Hume, *A Treatise on Human Nature*, 2nd ed., ed. P.H. Nidditch (Oxford: Oxford University Press, 1978), p. 415; cf. pp. 457–58.

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nature and its relationship to the rest of reality, and individual human *rights*, especially given that (1) life invariably ends in death, and (2) most people never flourish. Whether a life of unending suffering, such as is the norm in many parts of the world, is superior to death remains an unsolved but very acute philosophical dilemma for theories of morality whose first premise is an essentially naturalist account of reality.

Given that the lack of flourishing has human causes and could be ameliorated by the adoption of the kind of political and economic system Professor Machan advocates, what all this suggests to the present writer is that human nature has defects that human beings cannot correct on their own. We arguably came close to the libertarian ideal under the Articles of Confederation, the framework for a government that did not have a president and could not raise an army. Those who wanted power forced its abandonment and instituted the Constitution. Those who wanted more power have climbed through the Constitution's loopholes ever since, steadily eroding that document's capacity to hold expansionist government in check. The steady consolidation of power in the hands of a few the world over has interfered massively with the flourishing of the many.

Professor Machan would doubtless concede that human beings have all too rarely exercised their rationality or acted wisely and justly, and that this helps explain our failure to flourish. He would argue that we nevertheless each have an obligation to try. No doubt he would concede that some have given in to the temptations of power, and respond that we have an obligation to refrain from initiating coercion against others. I grant this. The fact that murders occur does not relieve us of the responsibility to condemn murder and other acts of force.

I maintain, however, that moral failure is an interesting phenomenon in itself and calls for more explanation than merely making wrong choices: we humans make the wrong choices too consistently to attribute it to accident or to mere human weakness. The Enlightenment conception of human nature saw human beings—and society—as capable of indefinite improvement, if not perfection (there has been, of course, considerable disagreement on means). For many writers, however, two world wars, a number of unspeakable acts of genocide, the policy of mutually assured destruction (MAD), the cultural decline of our own nation, and the rise of a dangerously radical Islamism have all thrown cold water on this idea. We are more than animals who

live exclusively by instinct, but we are not the beings of the Enlightenment ideal, either.

To my mind, libertarianism is at present too closely tied to this ideal. This must change. We should not go the postmodernist route, of course, which is really just a gesture of utter despair in the face of modernity's failure. But we must acknowledge that *Reason* cannot save us, and perhaps we should take a backward glance at the more healthful position that resulted when St. Thomas Aquinas married Aristotelianism to Christianity. But that is too long a story for a mere book review.

These remarks notwithstanding, there is great strength in the kind of libertarian theory Professor Machan has developed in his work. It nails down that rights are intrinsically individual, and that they both do and must antecede structures of political governance. Free, unhindered individual action is a necessary precursor to human flourishing of whatever sort, as well as for any account of our lives as moral agents. In this age of determinism, postmodernism, and various other intellectual breeding grounds for nihilism, this is a huge achievement. My complaints reduce to the observation that moral failure needs a better accounting. The account of human nature which sees the capacity for rationality and morality as unique to us is fundamentally correct in this author's view, but must identify and address significant causes of most human beings' failure on a grand scale to act rationally or morally.

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