

Liberty and Virtue

Does Freedom Work?: Liberty and Justice in America, by Donald J. Devine, *Ottawa, Illinois: Caroline House Books, Green Hill Publishers, Inc., 1978. xii + 192 pp. \$10.00 (paper \$5.95).*

WELFARE IDEOLOGY portrays private institutions as quaint and intrinsically weak, degrades voluntary solutions, and assigns responsibilities for social problems to the national government. Taxation, inflation, and mandatory administrative requirements hamper attempts of private institutions to cope with social problems, while welfare ideology gives individuals a rationalization for personal non-involvement in social problems. In the face of such strong opposition it is nothing short of a miracle that the voluntary sector remains as strong as it is, even if it works only at a fraction of its potential. Professor Donald J. Devine chronicles the successes of private institutions such as the Red Cross, scouting, better business bureaus, mutual insurance companies, co-operatives, humane societies, schools, hospitals, and rescue missions, not to mention private businesses, which still provide the bulk of our goods and services. Cohesion could be established in the social conflict between blacks and whites, Devine suggests, through mutually beneficial exchange and feelings of commonness resulting from holding shared views. National policy, however, has instead promoted the use of national laws and regulations. By depriving whites of liberty, government-imposed social integration has undermined the reconciliation of the races.

Devine contrasts the success of private associations with the failure of the government's attempts to grapple with social problems. For example, increased national government involvement has retarded the development of the general welfare, hurting most the less fortunate, who are the objects of assistance. The welfare state has promoted inefficiency, attenuated democracy, and rewarded power. Unemployment has not become much lower,

nor learning better, despite huge expenditures for fiscal policy and the thirty billion spent annually on education by the national government. Medical costs to taxpayers have soared with government medical programs, and, with all these programs, diversity is destroyed, and liberty diminished. Furthermore, one of the government's basic missions, that of protecting people from injury, is ignored as criminals are released to victimize society repeatedly. Despite the government's intervention, as supported by intellectuals and national leaders, Devine argues that the American people retain the moral values of religion, family, liberty, and private ownership; and private institutions cope with social problems.

These observations prompt two questions: First, why do intellectuals and national political leaders support welfare ideology; and second, why do most Americans believe in private solutions? Devine focuses attention on John Locke, who has been called by some, perhaps prematurely, a champion of liberty. Locke came from an influential school that presupposes that only particulars are real and individuals ultimate. Locke believed there were no forms, so nothing could be said about social structures. Their very existence was in doubt. Expressing the same view, Bentham said, "The interest of community . . . is . . . the sum of the interest of the several members who compose it." Since, in Locke's view, all private institutions were collections of individuals and created by individuals, they are inferior to them if they had any real existence, and unlimited experimentation with private institutions was permissible. The absolutizing of the individual at the expense of private institutions frustrated inquiry into the basis and purpose for the healthy functioning of marriages, families, clubs, and businesses, and dissolved their integrity. Having reduced the importance of private institutions, Locke required a strong state as a matter of urgency to stop the chaos, the uncertainty, and the disintegration that would otherwise prevail in the private sector.

Believing personally in individual liberty, Locke tried to assign to government the limited rôle of defining and regulating coercion so as to allow virtue to develop spontaneously in pri-

vate life. The burden that Locke placed upon government to keep individuals from danger and uncertainty, either real or imagined, was unfortunately too great for a limited government to handle and provided a blank check for government interference. While personally championing the concept of individual liberty, Locke weakened social structures in the private sector, provided a rationale for the modern welfare ideology, and justified the continuous encroachment of liberty. In answer to the first question, it is this part of Locke's philosophy which has been assimilated by intellectuals and political leaders.

With respect to the second question, the American people still believe in private solutions to social problems because Locke's nominalism does not accurately describe the state of the world. Institutions give external form to relationships between people for particular purposes and on given terms. Devine gives ample illustrations that social institutions have a unique created character which cannot be violated with impunity, nor obliterated. He points out that private schools, philanthropic organizations, churches, businesses, and families can be crippled and severely impaired by the welfare ideology and government policies but not destroyed, and the American people have experienced this. Locke erred in denying the existence of social institutions, as evidenced by their persistence and potency even in the face of a hostile ideology.

What follows from a consideration of the vitality of private institutions is that society, in the absence of a strong government, is not as dangerous as Locke suggests because private institutions have an independent stabilizing influence and are capable of maintaining order and safety and so share the burden of social stability. Difficulties arise when there are disputes between individuals or institutions in their external relationships with each other. In these cases a judge with governmental powers is necessary to mediate or adjudicate. As F. A.

Hayek has pointed out, law, which is a system of general rules of conduct, is necessary to resolve these disputes and force compliance when necessary. General rules develop through adjudication to justify decisions in particular cases, and legislation can help in difficult cases so long as it aims only at imitating rules started in judicial decisions. As private disputes are resolved, justice results that is not in conflict with the liberty of individuals or social groups.

In welfare ideology the meaning of justice is changed to encompass beneficence. Fairness implies government ownership of property and redistribution of income and wealth. Being relegated to a contracting residual area, individual liberty suffers death by qualification in the face of increasing demands for positive welfare. Liberty need not be extinguished if it is recognized as the non-interference in the protected spheres of others—individuals and social institutions. When the internal and the external relationships within and among social institutions are functioning harmoniously without serious disputes, the end result is justice, virtue, or righteousness. Liberty and virtue are then not only compatible; liberty is a necessary condition for virtue. When the state acts only as an adjudicator, it is not a threat to liberty; the individual and the state are not opposites; and individual liberty does not have to be given primacy over the power of the state along the unidimensional power-continuum of Locke's devising. Instead of choosing between the primacy of the individual or of the state, as is done by individualists and collectivists, the full range of institutions and of the government's limited rôle as adjudicator of external disputes should be recognized. This revision in the view of the state and other private institutions is necessitated by our experience as Devine recounts it and is a valid moral basis for supporting limited government and liberty in the private sector.

Reviewed by DOUGLAS K. ADIE