

Libertarianism as the Philosophy of Moral Freedom

P A U L K U R T Z

WHAT IS THE RELATIONSHIP between liberty and morality? Can one coherently espouse libertarianism, yet deny that it presupposes a moral philosophy? To attempt to so argue, in my judgment, is contradictory; for the defense of liberty assumes a set of underlying values. A problem of definition emerges when we attempt to ascertain the meaning of "libertarianism." It has been taken as an economic doctrine concerned primarily with preserving economic liberty and the free market against the encroachments of government. It has also been used in political philosophy to defend human or natural rights, civil liberties and the open democratic society. Economic and political liberty are indeed central to the libertarian philosophy, but they are, I submit, derivative from an even more fundamental libertarian ideal: the high moral value placed upon individual freedom of choice.

The classical liberal is concerned with expanding the autonomy of persons over their own lives. This means that social restraints placed upon individual choice should be reduced. These are many fold: large-scale governmental power is a primary threat to individual freedom. Twentieth century "liberals" under the influence of Marx have abandoned the classic libertarian emphasis on individual freedom in favor of a concern for social welfare. They have sought to extend the paternalistic role of the state in regulating the private sector and fulfilling functions that they believe are not being adequately performed by other social institutions. The welfare liberal believes that it is the duty of society to ameliorate the lot of poor persons and to redistribute wealth—all in the name of a theory of "justice," "fairness," or "equity." Welfare statist mentality has unleashed

a self-righteous egalitarianism which has undermined the incentives of productive citizens in favor of the disadvantaged. The principle of equality in its extreme form has led reformists beyond equality before the law and equality of opportunity to guaranteeing equality of results. They argue that since not everyone has the same access, social policies must equalize the conditions of opportunity. They would force people to be equal—some more than others—against their will. Libertarians thus have rightly pointed out that doctrines of social equality have been counterproductive, smothering individual initiative, and in Marxist cultures leading to the infamous Gulags of the spirit.

The libertarian agenda is incomplete, however, if it is only concerned with the evils of government. For government is not the only social institution that can unduly restrain human freedom. Powerful economic corporations can erode human freedom. They can limit an individual's freedom by defining the conditions of employment, fixing prices, driving out competition, and setting the whole tone of social life. I am not taking the Marxists' cause here, for I believe that capitalist society is the best guarantee of human freedom. Wherever the state has a monopoly of power, both economic and political freedom soon disappear. A free market and a strong private sector are thus necessary conditions for political freedom. One needs vigorous competition and a pluralistic economy, in which there are diverse centers of economic decision-making.

Libertarians abhor any governmental control of the media of communication. The libertarian seeks a free market of ideas. Yet he must likewise be apprehen-

sive of the *de facto* domination of the media by powerful corporate interests. Much of the mass media—TV, movies, magazines, and newspapers—have been dominated by one point of view: ritualistic liberalism. If the conglomerate control of the publishing industry continues to grow it may tend to push out small publishers and debase the quality of publishing. Western capitalist societies still allow more freedom than others. Thus, I do not agree with Marcuse's pessimistic diagnosis as outlined in *One Dimensional Society*. Nevertheless, not all capitalists are libertarians; nor are they necessarily concerned with preserving and extending individual freedom.

The erosion of freedom can also be seen with the growth of large-scale labor unions. The right to work often does not exist in industries, where the closed shop operates. There are sound reasons for collective bargaining: the lone individual working for General Motors is no match for the corporation. By entering into a voluntary association with his fellow workers, his ability to bargain collectively more nearly equalizes his economic position. But where unions seek to deny the right to work to those who are not members, they limit choice. No doubt this has been caused by the big hand of government. But government has been able to legislate the closed shop because of the power of the unions and their members.

What I have been saying seems to me to be also the case in regard to religious institutions. Powerful churches have often suppressed unbelievers. In this regard religious institutions may function as oppressively as the state, dictating thought and practice, regulating morality and sexuality, on a *de facto* if not a *de jure* basis. I am always surprised to discover that some conservatives will defend economic liberty yet readily condone the suppression of religious dissent. Fortunately, American society has had a proliferation of religious denominations and as a result has developed a truce based on the principles of ecumenism. Given the fact of opposing sects, all should have a place in the sun. In some areas—Fundamentalism in the South

or Roman Catholicism in the North—freedom of conscience in religion and morality are still suspect. There is hardly room left for the secular humanist, free thinker, or village atheist in a society dominated by religious tradition. The religious liberal thus defends the separation of church and state and liberty of conscience. Yet conformist pressures seek to impose sanction on those who violate the prevailing religious conventions.

Perhaps the most encouraging development in the past two decades on the freedom agenda has been the growth of moral libertarianism. The moral premise is familiar: individuals should have the right to satisfy their tastes, cultivate their values, develop their life styles as they see fit so long as they do not impose their values on others or prevent them from exercising theirs.

Moral libertarianism, as is apparent, has made considerable progress in democratic societies. There has been a noticeable lessening of censorship in the arts, TV, movies, the theater, magazine and book publishing. Liberty of expression has been extended far beyond what was imagined only a generation ago—but it has led to the growth of a pornography industry. In sexual morality, there has been a loosening of traditional restrictions: divorce has been made easier and is now widespread. Laws regulating sexual practices have been repealed, those concerned with adultery, anal-oral sexuality, etc. The belief that two or more consenting adults should have the right to pursue in private their sexual proclivities without social or legal interference is now widely accepted by a significant sector of the community. This has led in part to the "Gay Liberation" movement. Similar changes have occurred in regard to women, who demand that they be treated as persons capable of choosing their own destinies. Permissive attitudes have also developed concerning drugs. If the state permits alcohol and cigarettes, why not marijuana? Today marijuana is as common in some circles as coca cola, and regretfully so are cocaine and heroin.

In one sense these new freedoms—

though they have a liberating effect against stultifying customs—have gone too far. Although one may in principle agree that individuals ought to be allowed to do their own thing, in practice this may lead to a breakdown of civilized conduct, indiscriminate promiscuity, violence, drugs, and a lack of moral virtue and excellence. This is particularly the case with many young people. Many college graduates have betrayed the hope and promise placed in them: they are the products of broken homes and a narcissistic morality gone astray. The rejection of the work ethic is widespread. Living off of the generosity of relatives, friends, or social welfare, many have abandoned self-reliance and follow instead subjectivistic self-indulgence. How can one simply defend moral liberty and ignore the loss of virtue? This question is not simply theoretical, but has high practical import for our society. In mass consumer-oriented society, products are manufactured and sold and tastes conditioned without any regard for their moral worth. The immediacies of enjoyment are taken as ends-in-themselves, divorced from the hard work and effort necessary to achieve them. The quality of life has given way to the banalities.

The above is the indictment that one hears today against the libertarian society. It is no doubt overstated. Nonetheless it has an element of truth. If a choice were to be made between a free society and a repressive one, libertarians would opt for the former over the latter, even though they recognize that unfortunate by-products may have to be suffered as the price of freedom. Moreover, perhaps the only way for some to learn to appreciate responsible freedom is to experience the consequences of their mistakes. Nevertheless, at times liberty may surely lead to license when it should be accompanied by virtue. Is the breakdown of the moral order due to the excessive moral freedom that we have enjoyed? May it be attributed to the decline in religious faith and the growth of secular humanism and libertarianism? Is it the case that morality can prevail only if it is guided by religion?

I do not think that it is evident that religious societies are any more moral than non-religious ones. It may be true that outward displays of sexual conduct and other “immoral” practices are often prohibited in repressive religious communities. Yet they may be masking a hypocritical double standard. Religious societies may be insensitive to other forms of injustice. They may seek to impose order, hierarchy and the status quo on those who resist it. But more decisively: a libertarian conception of the moral life which has a secular foundation is different from a religious-theistic one. It is not obedience to a prescribed moral code that is the mark of the moral person, but the flowering of the free personality.

The libertarian in ethics maintains as his first principle the autonomy of moral choice. And this means the independence of the ethical judgment: that is, that ethical values and principles are not to be deduced *a priori* from absolute rules, but grow out of moral inquiry. Ethical choice requires a sensitivity to moral dilemmas, a willingness to grapple with conflicts in values and principles, rights and duties, as they are confronted in actual life. Authoritarian and legalistic systems of ethics are not based on final or fixed standard. Many traditional religious systems may seek to indoctrinate by fiat a set of norms. This is supposed to guarantee stability and regularity of conduct and inhibit sinful behavior. A religious code such as embodied in the Ten Commandments, the Koran or the Sermon on the Mount, may be supported by the authority of clergy and tradition. It may act as a regulative force, guarding against “defiant,” “anomic,” or “amoral” behavior. But in what sense are these systems moral? There are traditionalist libertarians in the economic sphere who insist that liberty needs to be supported by religious strictures. And they justify religious-moral-repression for channeling conduct along approved lines.

A moral libertarian by way of contrast rejects authoritarianism in the moral domain as much as he does political statism or economic regulation. Yet he is faced with a profound dilemma. For if individuals were

suddenly released from all restrictions—political, social, moral and traditional—what would ensue? Would they be, as the romantic anarchist hopes, noble, beneficent, sympathetic in their relations to other individuals; would they be temperate and rational in their inner personal lives? Would their choices be truly autonomous and issue from reflective deliberation?

Regretfully, to emancipate individuals who are unprepared for it from all social restraints may indeed result in license. Autonomous choice is not genuine unless individuals are first nurtured to appreciate and handle it. Perhaps the familiar distinction between two kinds of freedom needs to be restated: (1) freedom from restraint is not the same as (2) the developed freedom of a person to realize his potentialities. But there is still another dimension: (3) the full autonomy of choice can only occur in a developed personality.

Some theists attempt to impose authoritarian structures from without by establishing rules of conduct and instilling them in the young, offering no rhyme or reason other than God's commandments. These homilies often do not grasp hold, for they do not issue from within a person's felt life-world. Although they may erect defenses against temptation and immorality, they can often be weakened and may collapse. Basically irrational, they do not serve the individual in a changing social world in which new challenges are constantly being presented to him. If they are overthrown, what can the libertarian offer in their place?

The solution to the problems seems to me to be clear: libertarianism in its full sense, i.e., the development of autonomous individuals capable of free choice is not possible unless certain antecedent conditions are fulfilled, namely a program of moral education and growth is necessary to instill virtue in the young, not blind obedience to rules, but the ability for conscious reflective choice. The Thrasymachian man, the absolute tyrant, as Plato long ago observed, is prey to every lust and passion, every temptation of power and ambition.

He is buffeted by random irrational drives within, unable to resist or control them, and amoral power conflicts from without. The truly free individual is one whose choices in some sense emanate from a harmonious personality, one with some developed character, a set of dispositional traits, capable of a deliberate process of reasoned decision-making.

This seems to me to be the message of the great philosophic tradition from Socrates and Aristotle to Spinoza, Mill and Dewey: that rationality and virtue are the source of freedom and also emancipation from bondage. If this is the case, to grant freedom without preparation to a child or adolescent, a savage or despot, incapable of reflective choice or mature judgment, unrestrained by seasoned dispositions, is hardly a test of his freedom, for he may be at the mercy of impulses.

Accordingly, freedom makes no sense and it is literally wasted unless it is first nourished in the soil of moral growth, where it can be watered and fed. It is as if democracy were suddenly imposed on a people unready for it, or for which it was alien. It can only function effectively where there are values of tolerance, respect for the views of others, a willingness to negotiate and compromise ones differences, and a sense of civic virtues and responsibilities. Similarly, true freedom for the individual presupposes the concomitant emergence of moral development. It presumes moral education.

What kind of education and by whom and for what ends? These are important questions. Education is a social process. It goes on constantly—in the family, the churches, the schools, business organizations, the media, in the greater society. It is not the sole responsibility of the state to see that it is done, for that may convert it into a form of mere indoctrination. By education, I mean the Greek form: self-actualization. We need to educate individuals so that they can realize their talents, intellectual, aesthetic, physical. And part of moral education is the developing capacity for self-mastery and control. It also involves the maturation of the appreciation and sen-

sitivity for the needs of other human beings. In other words, moral education is training in responsibility. First, towards one's self, one's long-range self-interest in the world, how to cope with and solve problems that emerge in the environment; and second, towards others, some altruistic concern for other human beings, an ability to share life's experiences, to help and be helped, to cooperate with others.

Kohlberg and Piaget have written at length about what they consider to be the stages of moral growth. One need not accept the precise stage theory as presented: from anticipation of reward and punishment, or conformity to social expectations, as motives of moral behavior, to considerations of utility, or the development of a sense of justice, as higher stages of moral growth. Nevertheless, one should surely recognize that there is a process of moral development. For there is a clear difference between the autistic, self-centered individual—some self-interest is an important component of a realistic ethics—and the person able to relate to others under conditions of mutual respect and cooperation. One should more readily be willing to entrust freedom to the latter person, and may not without cause be apprehensive about entrusting it to the former. Mill himself recognized that there is an important distinction between the “lower” and “higher” pleasures; the biological pleasures differ in kind from the aesthetic, intellectual, and moral pleasures of a developing human being. As a libertarian he was disturbed by the possible abuse of the hedonic criterion and insists that pleasures differ on a qualitative scale.

To argue as I have that a philosophy of liberty most appropriately should involve a theory of virtue, does not imply that we should deny freedom to those who are incapable of using it in the fully developed sense. Nor should the government or any self-appointed group set itself up as the arbiter of human freedom. One may consistently believe in a free society, yet also recognize that we have a double obligation: to grant freedom to individuals but also to encourage them to acquire a taste and

capacity for growth and autonomy. In this latter regard the best way of doing so is not by dictate, but by means of education and persuasion. Because we tolerate diversity does not mean that we necessarily approve of every style of life, however bizarre or offensive, that has been adopted. We need constantly to keep alive the art of criticism and moral suasion. Liberty does not imply permissiveness. It needs to be accompanied by an ethic which highlights the virtues of the mature personality. This includes *wisdom* (some capacity for intelligent reflective choice), *prudence* and *moderation* (some concern for one's long-range good) and *responsibility* (a genuine interest in the needs of others). Without virtue the person freed from restraint may indeed be transformed into a moral monster.

Philosophers of ethics have consistently maintained that in the last analysis the method of intelligence in an ordered personality is the most reliable guide for moral choice. What we ought to do is a function of a deliberative process wherein we examine alternatives, means and consequences and after a comparative analysis make a choice that we consider to be the most suitable in the situation. One of the tasks of moral education is to develop persons who are capable of engaging in moral inquiry.

This will not do, we are reminded by critics of moral libertarianism, particularly those of a non-secularist bent. Merely to have an autonomous individual is no guarantee that he will behave morally toward himself or others. We cannot educate men to be virtuous, we are told, without the authority of divine sanction. If the only guide is utilitarian ends whether for the individual or the social good, then anything is possible and all things may be permissible. The critics of secular humanism and libertarianism also attack the effort now under way to develop moral education and values clarification in the schools. They believe that this is a “secular religion” which will only further undermine the moral standards of society.

Now it is true that many or most libertarians have emphasized utilitarian con-

siderations in the decision-making process. Moral principles are held to be largely instrumental in the fulfillment of ends or values. The hedonic calculus judges action by whether they maximize pleasure or happiness in the individual and society. Most libertarians have been relativists, situationalists and naturalists. Such ethical theories have lacked a well-grounded theory of moral duty and obligation. In my view, however, this need not be the case. Libertarianism indeed is incomplete as a moral philosophy and remains seriously in need of repair unless it is willing to modify its ethical system so that it can introduce deontological considerations.

What I have in mind here is the recognition that there are general ethical principles that ought to prevail in human relationships. These are grounded in human experience, and have been tested in the crucible of history. Moral principles, in my judgment, are not simply an expression of subjective taste or caprice, but may have some empirical foundation. They are amenable to objective criticism. The human decencies are readily recognized by most human societies: we ought to tell the truth, be sincere, honest, and deal fairly with others; we ought to be cooperative, kind, considerate, thoughtful, helpful; we ought not to waste our patrimony needlessly; we ought not to misuse others, be arrogant and unforgiving; we ought not to inflict pain needlessly or cruelly, not be excessively vindictive; we ought to have friends not simply acquaintances; we ought to seek justice and be beneficent.

This list of ethical principles is embodied in the proverbial truths discovered in human affairs. Many or most—but surely not all—are transcultural. They are general guides to conduct not universal or absolute, since exceptions can be made to them on occasion. Nor are they intuitive or self-evident; if they are tested, it is by their observable consequences in conduct. They have some foundation in our sense of reason; and they may be given some strength in our motivation, and be enhanced by emotion and feeling. They involve both our attitudes and beliefs. They are

prima facie, for they would seem to express general rules of conduct, which people come to recognize and respect as binding. How they apply and to what extent depends on the context. Sometimes one or more ethical principles may conflict. They may conflict with our cherished values. Moral deliberation is usually difficult and often we must choose between the lesser of two evils; or there may be a clash between two goods or two rights, both of which we cannot have.

These ethical principles embody moral truths. We may learn from practical experience that they cannot be easily violated without unfortunate consequences. They may be certified on their own level without being derived or deduced from questionable antecedent theological or metaphysical assumptions. They have a kind of authenticity in human experience.

Thus one may respond to the critics of moral libertarianism in the following manner:

(1) Moral conduct is possible without belief in God, or benefit of religion or clergy. (Believers are not more moral than unbelievers.)

(2) Reasonable moral choices can be made and moral knowledge discovered in the process of human living and experience.

(3) Accordingly, there can be an intelligent basis for moral obligations and responsibility.

Thus one can be a moral libertarian and a secularist without being a libertine or degenerate, and one may display the marks of nobility and excellence as part of the good life (as exemplified in the philosophies of Aristotle and Spinoza). One may also live in this post-Freudian age a significant moral life, which contains passion and reason, enjoyment and happiness, creativity and responsibility.

Freedom is not simply a claim to be made against society or a demand to be left alone, but in the sense of a human nature that is seeking improvement as a capacity to be earned and achieved. Freedom is not to be experienced indiscriminately, nor squandered stupidly. It is an art to be

cultivated and nourished intelligently. The intemperate person is neither autonomous nor civilized in regard to himself or in his relations with others. Liberty and moral development go hand in hand; the one can enhance the other. There is no complete freedom until there is the developed capacity for maturity in judgment and action. There can be no fully autonomous person unless there is realized growth.

Various forms of libertarianism surely can be defended independently of a secular focus. One can be an economic libertarian or civil libertarian, and a born again Christian, Buddhist monk, practicing Jew, devout Hindu, or Roman Catholic. We should not insist that secular libertarianism is the only basis for the moral life. I happen to believe that it is the one most in accord with the realities of nature and the promise of individual attainment. In a pluralistic society, those who wish to believe in God or to base their morality on religious faith should be perfectly free to do so. For many moderns, however, God is dead, indeed, he never lived. But to be committed to the secular city does not mean that morality is dead or without moorings. Ethics is a vital dimension of the human condition, and a recognition of the ethical life has deep roots within Western philosophy antecedent even to the Judeo-Christian tradition. The current attack on secular morality is a display of phillistine ignorance about the origins of Western civilization in Hellenic culture and its historic philosophic development. It is an attack on the philosophic life itself.

The charges against moral libertarianism are thus unfounded. Those who now oppose it cannot tolerate moral freedom nor can they stand to see other individuals suffer or enjoy life as they choose. But who are they to seek to impose their values on others? The fact that they assume a mantle of divine sanction for their views makes them no more authoritative. Moreover, they fail to appreciate the fact that a moral person is not one who obeys a moral code out of fear or faith but who is motivated to behave morally out of a sense of moral awareness and conviction. The exemplar for the moral libertarian is the free person, capable of choice, yet one who has achieved some measure of moral growth. He is the master of his own fate, responsible for his own career and destiny.

The free person is unlike the obedient servant or slave, who follows a moral code simply because it is commanded by authority or tradition. He is independent, resourceful, has confidence in his powers, and faith that he can lead the good life, a life that is full and exuberant. Moreover, he can enter into dignified relationships of trust and sincerity with his fellow human beings. He can live a constructive, productive, and responsible life. The moral philosophy of libertarian humanism is thus worthy of admiration. It needs no apology against those who seek to demean or denigrate its excellence or virtue. In a sense it is the highest expression of moral virtue: a tribute to the indomitable creative spirit of human achievement and personality.