

## **WHY FREEDOM REMAINS FIRST**

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### *FREEDOM AT ISSUE*

Human liberty, whereby each adult person is a sovereign citizen and no one may control of others' actions without their permission, is still the first or highest political value. This despite the relentless and often sophisticated and subtle contentions to the contrary. Yet, with the demise of Soviet socialism, many who have favored some version of collectivist human community organization are on the warpath against what they call liberalism, but which must be qualified as "classical" liberalism. This system, with which the United States of American has always been associated, is once again taking it on the chin from a host of champions of various types of groupism. Yet the reasons for the tenacious collectivism are entirely weak. In any case, the bottom line for such thinkers is to reject the idea that human beings in communities live most justly and are best off when they enjoy full protection of their right to sovereignty and liberty of action. But their skepticism is misplaced. Liberalism is indeed the best polity ever thought of by the human mind. Why?

Before addressing this question, let me note that if there has been a constant failure identified throughout human social life by successive generations—either explicitly or by implication—it has been that some persons took it upon themselves to rule others. Slavery is clearly that kind of failure. Serfdom and the attendant class system is a close kin. And even complaints concerning the early days of industrialism, whereby members of certain classes remained in powerful economic positions so they could exploit members of other classes, centered on the limitations of some people's freedom by others.<sup>1</sup>

No doubt, the exact characterization of the limitation by some people of the liberty of others is a point of dispute dividing those with widely differing philosophies. Just what human freedom involves and what its protection requires is one of the most widely argued points in political thought. Should we try, by means of law, to secure every person's sovereignty, regardless of how capable he or she is of exercising it? Or should we strive, by our political institutions, to alleviate all kinds of human misery and thus "make people free" of all impediments to their flourishing in life?

The answer usually depends on several factors but mainly on the view of human nature that underlies the analysis of freedom. Suppose persons are, so to speak, self-starters—that is have the capacity for initiating their conduct—and are essentially able to spur themselves into action—which would ready them of succeeding on their own at overcoming many shortcomings they encounter in their lives. Then it is only the lack of freedom from others' intrusiveness in their lives as members of communities that serves to block their flourishing. Once protected in their right to freedom, their own efforts (and some measure of good luck) must make the difference. If, however, we are all held back by outside forces, whether imposed by other people or by nature - so that without warding off these forces we shall remain helpless - then perhaps a more comprehensive idea of human liberty needs to guide our legal system so as to help us flourish.

Indeed, within the tradition of liberal political theory the central debate has concerned the very nature of the sort of liberty that ought to be of political concern to us.<sup>2</sup> The classical liberal wing of this tradition has argued, more or less consistently, that the only type of human liberty worthy of specifically political concern<sup>3</sup> is negative. The modern liberal wing has not embraced this view and has, indeed, deemed it too parochial. Human positive liberty, championed by these liberals, means the freedom to advance toward the ideal that is fitting for oneself.<sup>4</sup> Thus the poor are not free even if no one actively oppresses them or steals from them to make them poor; this holds for all those not equally well positioned or enabled in life to attain their proper goals.<sup>5</sup>

In this controversy classical liberals have indeed held on to a restricted sense of the term "human liberty," while modern liberals have held that it is best employed when used to mean something more than not being intruded upon by other persons. Modern liberals, in contrast, take it that human liberty means the condition of being enabled to make progress in one's life. Indeed, the concept of liberty or freedom for them means choosing without impediments, without obstacles, not just without having others restrict one's options. Or, the freedom modern liberals have in mind means that whatever obstacles stand in the way of a person's progress ought to be removed by whatever means are available in society.

The difference between the two positions—and there can be others but those are not germane here—pertains mostly to how each views human nature. To see what kind of liberty is indeed vital—or which conception of liberty is politically most relevant—the inquiry must begin with human nature. We need to have a clear notion of what a human being is, just for being human, to learn what kind of social life is suited for human flourishing.

### *SKEPTICISM ABOUT HUMAN NATURE*

Yet, there is a problem here, as well. In an age when the most powerful idea in philosophy seems to be a kind of pragmatism in which talk of human nature is moot if not entirely confused, one cannot simply set off on a journey to discover human nature without first having to decide if that road is even open for travel. Deconstructionists, cultural relativists, pragmatists and the like tell us that the road is closed, we must rely on historical agreement which is itself founded in not much more than accident. In that case there cannot be any answers to our inquiry about how we might best live with each other—it's all indeterminate, awaiting the outcome of arbitrary convention.

There is indeed a political concomitant to such an anti-metaphysical view of what human nature, namely, communitarianism. This view seems best to accommodate the epistemological rejection of the very possibility of objectivity concerning our efforts to come to know reality. Assume, for a moment, as the prominent pragmatist Richard Rorty argues, that objectivity is a myth (because it would require for us to "climb out of our minds"). Suppose that in its place we must embrace solidarity or inter-subjective agreement we reach within our community.<sup>6</sup> Then it is impossible, in principle, to stand in opposition to the group or collective with some better idea an individual may have formulated, based on his or her objective assessment of some situation. Nor is it possible to assess the respective merits

of the innumerable communities that solicit our loyalty as individuals who might become their members. This is because under this view good ideas are precisely those the group collectively proclaims to be such. Since objectivity is impossible, no individual human being's mind could grasp what is true or right and set the results against the prevailing group or decide among groups. The result of the impossibility of objectivity would, in part, be political paralysis.

### *CONSEQUENCES OF ANTI-OBJECTIVISM*

So the pragmatist/communitarian approach is more of an evasion than a viable answer for us. It rests on a misconception of the human mind - as if it were a tool by which we shape rather than grasp reality. We do not know by altering the world; we know by apprehending or grasping it, leaving what we grasp unchanged unless we are careless and permit our prejudices to obstruct our understanding. It is, furthermore, self-defeating - the lack of any answer itself because an answer; anti-foundationalism a foundation, disguised as an erudite abstinence from the mere pedestrian searches for truth.

Some may be able to afford an uncritical view that takes the group's judgment for granted. Most people throughout history have had the need, often unrecognized, to get glimpses of reasonable ideals or goals that serve as a check on what the group proclaimed. And the preference for the collective's opinions as against any possible individual's objectively grounded opposition is no more than some the preference of some people as against those of others, with no valid claim to better standing.

Thus it is self-annihilating to insist on the view that the community is right, since no right and wrong can be established. We must look to another source for satisfactory answers, one's that make sense of the fact that sometimes communities are right as against some of their members, and at other times they are wrong and the few opponents or even just one such person may be correct, based on his or her willingness and skill at being objective or, in the context of ethics or politics, just. Communities cannot be the court of last resort—they too often judge with bias and intolerance. The idea of substituting solidarity for objectivity would render the very idea of a dissident incoherent—all that would be left is what the Soviet officials claimed, namely, mentally ill members of the collective who had to be cured so as to rejoin the group.

### *HUMAN NATURE*

What, then, can we say about human nature that stands the test of objectivity—of meeting the standards of being true to our unprejudiced observations and experiences?

All acts of human inquiry, of the search for answers, however fruitless they may often seem, suggest an answer to our questions. Human beings are by nature creative, not merely responsive. They do things on their own initiative—that would explain better than any thing else all our developments, cultural changes, diversity of approaches to life, varied

philosophies and religions, as well as much of our disagreements, conflicts, even animosities. No other animal appears to change and develop its environment and life circumstances so drastically and often and be so often at odds with members of its own species concerning what is the best thing to do. We, in contrast, are always coming up with new ideas, plans and solutions to problems, even if these be little more than the rejection of proposed solutions, the abandonment of theories, the denial of answers.

Still, as the ancient Greek Cratylus, Plato's first teacher, discovered (despite his adherence to Heraclitus's relativist doctrine), one couldn't function in this world without a system of communication—common indicators—that employed specific notations or, in his case, hand signals. Our relentless innovation as well as our many disagreements demonstrate our creative nature as human individuals, while our need for and reasonably successful practice of communication testify to our occupancy of common ground, our membership in an objectively determinate species in an objectively determinate reality.

We seem to be aware of this fact of human reality in many spheres, from strictly personal relations to international economics, from law to morality, in art as well as in science. Language clearly illustrates it—we need some stable principles for understanding and clear expression, but we also need the malleability that's part of every living language. In short, there is both the diversity that comes from individuality as well as some measure of uniformity that furthers community. This would appear to attest to both a common human nature and to the essential element of the individuality of each human being. (It is just what distinguishes human beings as rational animals that also alerts us to their individuality, since to be rational requires individual effort or initiative, something that places the particular individual in a decisive role in his or her life. This also explains best the frustration about never being able to guarantee that we will get people to think along certain lines, that we will finally persuade them—they always have the free will to reject, even very good arguments, or to come up with better ones.)

## *POLITICS*

What, if any, political consequences follow from this basic fact of the world?

First, we can be reasonably certain that there are some laws or principles of human community life that can serve as ideals for every human community to aspire to. Just because we are human beings, there would be some features every decent human society would have in common. Indeed, the concern with human rights, expressed by various human rights watch organizations, is very probably an social articulation of the realization of this fact.

Our capacity for grasping such basic principles is highly disputed by all sorts of skeptics, yet such a stance is fraught with paradoxes since it, too, aims at grasping what is what about the human situation. Furthermore, it rests on a false alternative, a type of absolutism often linked to Plato's theory of changeless, perfect forms. But rational identification of the nature of something does not need to embrace such timeless absolutism. It can be founded on a more Aristotelian idea, namely, that we abstract the nature of something based on experience and good judgment. We may proceed, then, with the inquiry, provided we do

not expect something impossible from it, namely, the final word on the topic of basic principles. Human knowledge is not some last snapshot in need of no further touch ups. It is, rather, the best assessment of the world we can come up with for our time and place. We know when what we have is the result of having done our very best to learn. And we know enough about ourselves by now to have learned some vital facts that should guide our political communities.

Second, while we have human nature as the source of stable facts for purposes of guiding our political organization, at the very same time we accommodate, also, the fact that change must always be anticipated. That is because the basic, natural human rights we can identify based on what we know about human nature spell out borders within which we are free to live and grow in each other's company. Human rights—as expressed, for example, by the basic provisions of the American Bill of Rights—are prohibitions laid out against others, including (especially) against governments, aiming to safeguard our liberty to make changes, to keep developing on all fronts of human existence.

### *LIBERTY AND GENEROSITY*

But, one might ask, if these rights are all a matter of protecting people so they may act freely, creatively, on their own initiative, what happens to those who are ill equipped, hampered—by handicaps, poverty, illness, bad fortune—in their abilities to be creative, to develop with some measure of success? Don't they have human rights to be helped? Are they not entitled to support? In the terms of some political theorists, don't those who need support have (positive) rights to welfare, security, enablement?

The idea that we have positive rights is confused, even pernicious, because such rights could never be compossible—capable of being respected and protected for everyone by everyone. One person's positive right to health care would be protectable but only if someone else's fails to be protected—goods and services are always scarce. Moreover, positive rights necessarily contradict negative rights. While it would be a good thing for everyone to have health care, it would be wrong to force doctors to provide it on terms to which they object, without their consent.

At most, then, what positive rights or entitlements are can only be understood, coherently, to be values sought by many, values they may obtain through their own effort or by means of other people's generosity, not as a right. Treating these values as rights or entitlements actually implies the need to place others into involuntary servitude.

Of course, the idea of a free society does not foreclose any efforts human beings want, indeed often ought, to make in behalf of others, quite the contrary. It is only free human beings who ultimately are enabled to creatively help their fellows, not because those fellows have a lean on their lives but because they are fellow human beings whose plight is understandable by those who enjoy their own capacities reasonably unimpaired.

## *THE PROSPECTS FOR FLOURISHING*

On the broad canvas of human history, persons who have been free have, in the main, been more helpful to the rest than those who have been coerced by governments to render service. Excepting perhaps some emergencies, governments ruin the plight of the needy by thwarting the creativity of the able and willing—including the creative and ambitious traits of the temporarily helpless—at least in the long run. Slaves don't make very effective Good Samaritans, nor do they exhibit much ambition.

So the prospects for both the fortunate and the less fortunate are greater if the human right to liberty is promoted, protected, and maintained within the various legal orders that guide different human communities.

The bloodless revolution that changed the bulk of the Western world from feudal to a constitutional individualist order—attempting to secure the sovereignty not of collectives or elites but of every individual—has reached parts of Eastern Europe, much of Asia, Latin America and even portions of Africa. This so called bourgeois revolution—when referred to be historicists such as Marxists—is the main bona fide turn over of political institutions in recorded history—it shifts power from groups of human beings to individual human beings. It is the revolution that rejects a central and destructive element of nearly all old orders, to wit, the view that humanity is either some whole entity (deriving in part from its characterization in Platonism as a concrete universal standing above all particular persons) or a collection of smaller groups arranged in a hierarchical order. What is put in place of these collectivist conceptions by the "bourgeois" revolutions of the last three centuries is humanistic individualism, the view that any individual adult human being is equal in worth to any other when it comes to the possession of the rights to life, liberty and property, since each has the capacity to strive for self-development.

Of course, to flesh out a detailed meaning of such a revolution takes time and patience and has encountered as well as will continue to encounter massive setbacks. The twentieth century has seen major backlashes already, in fascism and communism, as well as less significant but often equally noisy attempts at small time collectivist states (e.g., Iran's theocracy).

Nevertheless, the revolution has made enormous impact on the world and by any reasonable assessment—which excludes, for example, measuring human flourishing by mystical standards—has accounted for the production of a better life on earth throughout the globe. (Of course, because of population growth, this can only mean that the percentage of human flourishing has improved, even though large numbers of persons are still in dire straits.)

Because there is no guaranteed progress in human life—since persons are capable of leading destructive as well as flourishing lives and it is always up to them, to some extent, which they will choose to lead (even if in free societies there is greater likelihood that they will make the better choices)—the revolution is by no means irreversible. To sustain it must always be a feat of human effort, an effort presuming a diverse division of labor.

One such area of sustaining labor is political thought. And on that front few can doubt that in our time massive work is being done to undo the revolution. We have few

prominent intellectuals, outside of economics, defending the principles of the bourgeois revolution. And the economists' efforts cannot be sufficient since they lack the crucial ethical component. In political philosophy there is much support for some kind of democratic socialism or, at least, the democratic welfare state. Communitarianism—that sometimes euphemistic version of socialism which has some telling points to teach—is on the rise, promising a benign version of the collectivist menace. (It is useful to remind some individualists—e.g., those who embrace the *Homo Economicus* idea of human life—that we are also social animals; but that recognition should not be permitted to overwhelm our essential and unque individuality.)

### COMMUNITARIAN COUNTER-REVOLUTION

Nowadays individualism, sadly, is actively belittled rather than explored—usually by distorting it to mean only the legacy of Hobbesian social atomism. Books by Robert Bellah and his colleagues<sup>7</sup> attempt to demonstrate the point Karl Marx made in his essay "On the Jewish Question," that to acknowledge human beings as essentially individuals means identifying them as isolated social atoms or hermits and that this is destructive of community life. That there is a richer, much more socially compatible yet still fundamentally individualist conception of human life (than what we have inherited from Thomas Hobbes and classical and neoclassical economic science) is largely ignored, perhaps because the goal of such critics is to advance to some form of collectivism, never mind what version of individualism challenges their position.<sup>8</sup>

Perhaps the most vocal outcry about classical liberal individualism focuses on problems of sustaining a community within the framework of this political outlook. Without delving into this matter at length, it is held that because individuality is central to its idea of human nature, classical liberalism cannot advance a theory of voluntary community life. Indeed, as Robert Nozick observed<sup>9</sup>, what distinguishes the libertarian political order is its hospitality to numerous experiments in human community life. So what we find in a nation such as the United States of America is the presence of innumerable overlapping human communities to which nearly all citizens simultaneously belong.

Yet, it is arguable that the only human community as such—suitable to any and every human being—is one that does not impose particular community goals on its citizenry. Yet that kind of general community makes it legally and otherwise possible to develop innumerable communities—churches, clubs, neighborhoods, corporations, professional associations, fraternities, political parties, etc., etc. This is just what would expect in light of the fact of the essential individuality and uniqueness of human beings—that this aspect of their nature be reflected in the variety of communities their interaction generates.

Accordingly, every effort needs to be made by men and women, all of whom at least implicitly set themselves the task of flourishing here on earth, not to allow the backsliding to become dominant throughout contemporary culture. Such an effort must, however, be made without resorting to any violation of the individualist principles—e.g., without censorship. It

must be a matter of relentless argument and application of the principles of individualism to public policies and private conduct.

Unless the momentum is maintained to sustain the relatively gentle revolution that has turned human political institutions toward supporting the flourishing of all human individuals here on earth, there will be massive reversals toward class warfare and oppression. Some signs are already looming threateningly on the horizon, in both the Western democracies and the newly decolonialized Eastern European countries. One can only hope that members of the intelligentsia in the future will not be mesmerized by alternative systems that promise them greater powers over others in the name of chimerical politics, culture and economics.

## ENDNOTES:

1. As consistent a libertarian as Father James Sadowsky argues for this in "Private Property and Collective Ownership," in T. R. Machan, ed., *The Libertarian Alternative* (Chicago: Nelson-Hall, 1974), pp. 119-133. He attributes the phenomenon to the inadequate rectification of feudal injustices in emerging quasi-capitalist systems.
2. The former conception of freedom is usually designated as "negative," while the latter as "positive," suggesting that in the former case the (right to) freedom is from others' intrusiveness in one's life, actions and property, while in the latter the (right to) freedom is to do or be something. See, Tibor R. Machan, "Moral Myths and Basic Positive Rights," *Tulane Studies in Philosophy* (1985), pp. 35-41, as well as the accompanying essays in that issue. See, also, the classic discussion by Isaiah Berlin, *Four Essays on Liberty* (London: Oxford University Press, 1969), chapter 3.
3. That is, pertaining to principles that ought to govern human actions vis-à-vis other persons as such..
4. It is notable that some conservative political thinkers, e.g., Thomas Hill Green, have also subscribed to the "positive" conception of liberty or freedom. Indeed, we can trace this conception all the way back to Plato. Consider Edmund Burke who proposed that "We are afraid to put men to live and trade each on his own private stock of reason, because we suspect that this stock in each man is small, and that the individuals would do better to avail themselves of the general bank of nations and of ages." Edmund Burke, *Reflections on the Revolution in France* (Indianapolis: Hackett Publishing Co., 1987), p. 76.
5. Even in popular discussions there is the position that someone who may not be prohibited to or prevented by others from, say, travel, but cannot afford or is otherwise unable to do it is not free to travel!
6. Richard Rorty, *Objectivity, Relativism, and Truth* (Cambridge University Press, 1991).
7. Robert Bellah, et al., *Habits of the Heart, Individualism and Commitment in American Life* (New York: Harper & Row, 1985) and *The Good Society* (New York: Harper & Row, 1991). One might take note, also, of the recent development of organizations, with the leadership of Professor Amitai Etzioni, devoted to the furthering of what is called communitarianism. See the journal published to this end, called *The Responsive Community*, under Professor Etzioni's editorship, as well as his book *The Spirit of Community* (New York: Crown, 1993). Many others could be mentioned—Michael Sandel, Alasdair MacIntyre, et al. See, for example, David Schuman, "Our Fixation on Rights is Dysfunctional and Deranged. A Communitarian Alternative to Liberal Individualism," *The Chronicles of Higher Education*, 1 April 1992, p. B1-2.
8. For a detailed discussion of some of the points mentioned above, see Tibor R. Machan, *Capitalism and Individualism, Reframing the Argument for the Free Society* (New York: St. Martin's Press, 1990). In this work I identify what I call "classical" individualism, so as to distinguish it from the *Homo Economics*, neo-Hobbesian version that is the usual target of critics such as Karl Marx, Michael Foucault, Thomas Spragens, Jr., and Amitai Etzioni. It is interesting that in his *The Spirit of Community* Etzioni refers to me as a "radical individualist," despite knowing better.
9. Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), Part III, "Utopia."