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## Reviews

# Libertarianism defended

Tibor Machan

Ashgate Publishing Company, Aldershot, 2006, 348pp., £17.50/\$26.96,  
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In *Libertarianism Defended* Tibor Machan attempts to rescue a beaten but unbowed libertarian tradition that, in his view, has been intellectually hoodwinked in recent decades. The book collects 26 essays which attempt both to replace poor defences of, and to develop a new case for, classical liberal ideas. Machan writes with fine clarity and directness, and though his analysis does not always make for light reading, the book nevertheless provides a clear and comprehensive introduction to the issues over which libertarians differ from contemporary liberals, communitarians, Marxists, philosophical skeptics and others.

Backing virtually all of Machan's arguments is the familiar Lockean premise, embodied in the American Declaration of Independence, that negative rights to life and property are something individuals possess just in virtue of their humanity. Negative freedoms are the ethical first principles he deploys throughout the book as pre-political trumps over liberal egalitarian concerns to find terms of political association that treat individuals fairly and as equals (pp. 4, 269, 335). Machan concedes to critics like Thomas Nagel, however, that even the most intellectually respected recent libertarian voices, like Robert Nozick, have failed to provide an enduring account of pre-political negative rights, and he wants to develop one himself (pp. 163–166). But Machan refuses to ground his account in our ordinary intuitions or reflective judgments concerning distributive fairness. He rejects, for instance, both Nozick's intuitive argument for his principle of just transfer (his famous 'Wilt Chamberlain example'), as well as Rawls's call for us to seek a 'reflective equilibrium' between a proposed theoretical rights structure and our considered judgments (pp. 32–33, 166, 336–337). Our ordinary convictions, Machan supposes, must be indecisive given the shifting and contingent nature of our intuitions, and he seeks more durable and objective foundations.

Machan is part of an increasing trend toward naturalistic defences of libertarian rights, and in Chapter 3 he presents a contemporary restatement



of a Lockean natural rights conception. But rather than appealing to God's laws, he bases his account on an Aristotelian teleological conception of human nature, which identifies human goodness and moral rightness with the fullest possible realization of humans' unique rational capacities (pp. 39–41, 110–111). Negative freedoms are said to follow because they are most supportive of the particular form of human rationality Machan deems morally relevant, which is the human capacity for free choice according to universal standards and motivations (pp. 43, 111–114). Given rationality's dependence on free choice, Machan argues that all forms of coercion that control individual choice among courses of action are for that reason incompatible with good (that is rational) human behavior (pp. 141, 168). If individuals are legally coerced to abide by moral standards, rather than permitted to choose on their own how to act, then good actions cannot be imputed to them, and they cannot live ethically good lives. Since, as he says, 'a good community is such that it makes moral goodness more than accidentally possible,' he calls for a large sphere of personal freedom governed only by negative rights protecting life and property (pp. 43, 141, 271).

His argument here is not as thorough as one might hope in explaining why *only* negative protections follow from his account of human rationality. Perhaps only negative protections are compatible with the greatest overall freedom of choice for individuals. But that is not obviously so. If, as Machan says, what really matters is that individuals not be impeded in choosing how to act, we would then seem to have an interest in eradicating *all* impediments that could potentially distort free choice. But that would require not only minimizing legal coercion, but also alleviating the distorting influences of poverty, severe circumstantial inequalities, illness, addiction and desperation. One might plausibly say that Machan's argument from human rationality for negative rights commits him also to seek greater social equality – or 'positive' rights – if doing so would generate more opportunities for free choice overall. The idea that positive rights might also contribute to greater opportunity for choice is, of course, familiar and influential, but it is not one that Machan ever really addresses. He instead appears to assume that social equality must necessarily imperil the negative freedoms he thinks are the only ones that follow from his account of human rationality.

A recurring theme is Machan's insistence on the objective validity of libertarian principles in spite of various relativistic and skeptical objections that such principles are mere artifacts of particular historical or cultural contexts. Communitarians and Marxists, for instance, have been notably critical of the so-called 'atomistic' individualism often said to underlie libertarian thought. Machan replies that many of these criticisms are based on a bizarre, caricatured portrayal of the libertarian conception of the self (pp. 128–137). He then argues, rather persuasively, that once we understand

the libertarian position accurately, then the appearance of conflict critics charge exists between libertarian individualism and the interests of community dissolves (pp. 76–80). Elsewhere, in a particularly illuminating, though brief, discussion of Richard Rorty’s philosophical pragmatism, Machan attempts to mitigate the skeptical implications of Rorty’s work for the possibility of an objective conception of human nature (pp. 132–136). This is just one of Machan’s several lucid excursions into epistemology that are particularly effective in pointing out the connection between contemporary work in pure philosophy and political theories, like libertarianism, which claim universal validity.

My overall impression is that Machan’s main conclusions will not strike those familiar with libertarian literature as particularly new. The book’s chief virtue is the sheer number of critical positions Machan engages thoughtfully, informatively and in a manner that challenges the reader to think hard about the kind of arguments libertarians propound in support of their familiar conclusions. If Machan is right that libertarianism has lately received short shrift in intellectual circles, he is quite successful in presenting a work that warrants better treatment, whether or not readers are ultimately persuaded by his arguments.

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## **Community and conflict: The sources of liberal solidarity**

Derek Edyvane

Palgrave Macmillan, Houndmills, Basingstoke, UK, 2007, 183pp., €45.00,  
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This is an immensely stimulating and thoughtful book, and one of the most engaging works of political theory that I have read for some time. It is a lucid and discursive work, and although broadly in the analytical tradition, it is