LIBERTARIANISM AS IF (THE OTHER 99 PERCENT OF) PEOPLE MATTERED*

By Loren E. Lomasky

I. Introduction

In this essay I wish to consider the implications for theory and practice of the following two propositions, either or both of which may be controversial, but which will here be assumed for the sake of argument:

(L) Libertarianism is the correct framework for political morality.

(M) The vast majority of our fellow citizens disbelieve (L).[1]

The question I will address is how we as libertarians ought to respond to this pairing. I say *we libertarians* because, as I am using the term here, someone who subscribes to (L) is, definitionally, a libertarian. Of course, one who rejects (L)—or (M)—may, as an exercise in the logic of political theory, scrutinize the relationship between these two propositions. But for those who find themselves members of a political minority that unsteadily oscillates between the minuscule and the merely negligible, the implications are of more than academic interest. They concern nothing less than how one ought to live one's life among others, where the others are substantially more numerous than oneself. This is, then, an investigation not only of libertarian theory but also of libertarian praxis in the actual political world and those possible worlds that are its near neighbors.

It may be useful to say a few words concerning what I do not intend to pursue in this essay. First, I do not intend to argue for the truth of either proposition. In other contexts I have had my say on matters of political justification and on why an order of basic rights that are predominantly rights to noninterference meets the justificatory challenge better than any

* This essay originated in an informal talk presented at *Liberty* magazine's August 1996 conference for editors and readers. Although subsequent discussion revealed considerable disagreement among those assembled with the thesis being advanced, it also suggested that these issues are central to the practical concerns of libertarians both inside and outside the academy. I am grateful to Bill Bradford for affording me the opportunity to launch these ideas in that forum. I am also grateful to my friend, tennis bête noire, and sometimes editor, Ellen Frankel Paul, for freeing this essay from numerous syntactic infelicities and for conceding, albeit grudgingly, that the argument of this essay does not entirely disqualify its author from the title *libertarian*.

[1] The labels are mnemonic, indicating, respectively, the truth of the *L*ibertarian credo and the rejection of this credo by the *M*ajority of the citizenry.

alternative political order.[2] It is difficult to find an academic libertarian who has not done something similar. That this project is meritorious is not disputed, but it is not the project of this essay. Nor is the project to offer a definition, or necessary conditions, or even a rough-and-ready characterization of the essence of libertarianism. I well understand that libertarians tend to argue furiously among themselves concerning which is the most pristine expression of that theory. I will have some things to say about the symptoms of that debate, but I will not attempt to resolve who are the real libertarians and who the imposters. Rather, for purposes of the argument that follows it will suffice to lend maximum latitude to the term "libertarian." Some libertarians insist that only under anarchy can respect for basic rights and nonaggression be realized. Others countenance a state that scrupulously refrains from any undertakings other than those of the night watchman. Still other libertarians are willing to add to the legitimate scope of the political entity provision of some public goods (beyond those that the minimum state includes in its protective package) and perhaps also relief of extremes of exigency. This, I believe, brings us to the far boundaries of moderate libertarianism.[3] But there is no need to erect the bar here, at least not for the purposes of this discussion. For the sake of argument, let us stipulate that a *much more expansive* state, one that commandeers a level of resources up to half of that claimed by America in the 1990s (say, 20 percent of gross domestic product), squeezes into the big libertarian tent. Let it additionally be stipulated that a state proscribing a few marginal capitalistic acts between consenting adults[4] will count as libertarian under this expansive definition. For example, if the polity refuses to enforce contracts by means of which one sells oneself into slavery, or if its criminal statutes prohibit the practice of blackmail for pecuniary remuneration, it is not thereby excluded as a matter of definition from the libertarian ranks. If the perimeter of libertarianism is stretched in this way, well beyond what virtually every self-described libertarian advocates as the limits of state action, we remain within the comfort zone of the application of (M). It may be that such a profligately expansive conception will raise the level of support for libertarian policies among the general population to 2 or even 3 percent. But that is still low enough to ground a tension between (L) and (M).

Just what is meant by describing libertarianism as the correct theory of politics also merits philosophical investigation, but that too will be skirted here. Is it to maintain that the libertarian credo (in its optimal statement, whatever that might be) is *true* in the sense that the sentence "Snow is

[2] See especially my *Persons, Rights, and the Moral Community* (New York: Oxford University Press, 1987).

[3] In the interest of full disclosure, I announce that my own view falls within such moderate libertarianism.

[4] Robert Nozick's wonderful coinage; see his *Anarchy, State, and Utopia* (New York: Basic Books, 1974).

white" is true if and only if snow is white? Or is it to say something about the *justifiability* of libertarianism in terms of the actual or hypothetical assent of all agents, or all maximally rational agents, or all maximally rational and reasonable agents? Concerning these issues, too, I wish to be as noncommittal as it is possible to be while nonetheless saying something interesting about the relationship between (L) and (M). That means that I will not be able to adopt a stance of complete neutrality concerning what moral propositions are *about*, what they are *for*. I do believe, though, that most of the genuinely vexing issues that separate, say, moral realists from nonrealists can be set aside.

Some will dispute the truth of (M). The perpetual location in electoral tabulations of the Libertarian Party somewhere between Ross Perot and Mickey Mouse,[5] decidedly closer to the latter than the former, will be dismissed by some as quite epiphenomenal, not really indicative of underlying sentiment. I have heard this view espoused both by ardent libertarian activists and by the viscerally anti-libertarian. The former are wont to bring to state fairs diagrams with the four corners assigned political labels, one representing the libertarian dispensation and the others combinations of economic and/or civil-liberties authoritarianism. When unwary visitors wander away from displays of apple pies and champion hogs and come within arm's reach of the libertarian booth, they are found to reject at cheeringly high levels these various authoritarianisms. Voilà! They discover that not only have they been speakers of prose all along, they also have been libertarians. Similarly, those who fear the capture and subsequent dismantling of the state by cutlass-wielding libertarian buccaneers also find libertarians everywhere.[6] Here, as elsewhere, pleasant daydreams converge with chilling nightmares. The methodologies that generate these counterintuitive results are, I must confess, beyond my ken. If they should nonetheless prove to have been accurate, I shall be delighted to concede that the thesis of this essay has been rendered moot. Those who deny or doubt the truth of (M) are invited to transpose the investigation that follows into a conditional mode: What *would be implied* if both (L) and (M) obtained?

II. The Tension between (L) and (M)

So much by way of preliminaries. I now proceed to considering what may be elicited from the pairing of propositions (L) and (M). One moral

[5] It is, admittedly, a disputable question of metaphysics whether these "two" candidates are in fact numerically distinct.

[6] I am serving, for reasons that are not entirely clear to me, on a scholar's panel of the Commission on Civic Renewal co-chaired by William Bennett and Sam Nunn. At our initial meeting, one of the paper authors opined without a millimeter of tongue in cheek: "Most of the nation's political and opinion leaders seem bent upon a revival of old-fashioned laissez-faire at the national level." This drew not a single demurral from my fellow panelists. As Dave Barry would say, I am not making this up.

that may suggest itself is that of *fallibilism*. Even if one is abundantly certain in one's heart of hearts that libertarianism is the correct political stance, one may simultaneously reflect that intense subjective feelings of certainty are sometimes accompanied by profound error. Further, if those subjective feelings are matched by equal and opposed feelings held by others—and especially if those opposed feelings are held by *many* others—then, as a prudent individual, one may find oneself constrained to lend serious consideration to the possibility that one's belief that *p* is true may be best explained by something other than *p*'s being the case. Fallibilism has a lot going for it. That, though, is not the moral of the pairing. Recall that for the sake of the present argument (L) is presumed to be true. The question is: Given the truth of (L), what is the libertarian to say about those who persistently deny (L)?

One possible response is: So much the worse for the benighted masses! Their ignorance does not at all diminish the warrant or force of that which they disbelieve. It is easy, after all, to display many rock-solid propositions that are denied by a majority. Most people believe that there are more natural numbers than there are even natural numbers. Most people believe that if the four previous tosses of a fair coin have yielded heads, then there is a better than even chance that the next toss will be tails.[7] That they are mistaken is demonstrable. Majorities do not count in matters of demonstration. But neither do they count in ascertainable matters of empirical fact. Suppose, as some surveys indicate, that most of our compatriots believe that early man coexisted with dinosaurs: what are the implications for the theory and practice of paleontology? Plausibly: none whatsoever. If in these areas there is a fact of the matter that is not constituted by counting noses, then why should morality, including its political component, be different?

Some people indeed do believe that morality is not different. This judgment is not independent of the moral theory to which one subscribes. If, for example, one holds to a divine-command theory, such that a Supreme Being issues ascertainable edicts which then become binding on all those to whom they are delivered, then there is a fact of the matter concerning what ought and ought not be done. If the majority disregards or disdains those edicts, then that is simply a sign of their wickedness. It is the righteous remnant, no matter how small or besieged, that is in possession of the truth.

Few libertarians are divine-command theorists.[8] Many, however, suppose that the rights individuals possess can be derived in rigorous,

[7] My empirical data here about people's beliefs comes from trials I have conducted with my students. I admit that a population of Bowling Green State University undergraduates may not accurately represent the prevailing overall level of ignorance.

[8] Locke might be so described, but on his account the divine will, insofar as it establishes the basic rights of persons, is not expressed in positive commands, but rather is read off the structure of the natural order.

unequivocal fashion from facts about human nature coupled with uncontroversial propositions such as "a = a." Even more significant, perhaps, than beliefs about what is needed to carry out such derivations are concomitant views concerning what is *not needed.* Among the unnecessary items are references to particular localized conventions and popular sentiments. Rather, libertarian natural law/natural rights are logically prior to convention and ought properly to regulate those conventional forms. They are properly the conditions of moral belief rather than conditioned by them. Without too much violence to history or language, we may call this family of theories *Aristotelian libertarianism.* A variation on this theme is the purported derivation of libertarian axioms via some transcendental conditions bearing on the possibility of action or assertion. This we may call *Kantian libertarianism.*[9] On the former account, libertarian precepts are to be read off from nature—our nature—on the latter account, they are strict consequences of the logic of practical reason. The differences between these conceptions is considerable from the perspective of moral foundational theory, but they pose equivalent issues concerning the interplay between (L) and (M).

If libertarian civil association is the law of nature, then it is a law observed mostly in the breach. We must wonder: Why? If libertarian precepts were extraordinarily recondite truths, comparable in their complexity and subtlety to, say, the principles of quantum mechanics or the geometry of seventeen-dimensional space, then the failure of most people to espouse libertarianism would be abundantly explicable and excusable. I am not aware, however, of any libertarian theorist who so conceives these precepts. To be sure, many of us believe that a fully rigorous and elegant presentation of the theory of libertarianism in all its ramifications is not easy to come by, and if no identification of the person who has to date best accomplished that task is proffered, the omission is to be understood as an expression of commendable modesty. Nonetheless, the accounts that I have seen do not depict libertarianism, at least in its rudiments, as dauntingly inaccessible lore. Rather, virtually without exception these accounts maintain that a relatively straightforward application of basic logical reasoning to evident facts about the human condition generates familiar libertarian principles of basic rights and nonaggression. It is well within the capacity of ordinary men and women to follow these demonstrations, if not independently to generate them. Yet for some reason only a very few people arrive at the libertarian summit—or even ascend to one of its foothills. As (M) asserts, the vast majority of individ-

[9] As I understand their arguments, Ayn Rand and Murray Rothbard fall within Aristotelian libertarianism. For Kantian libertarianism, see Hans-Hermann Hoppe, *A Theory of Socialism and Capitalism* (Boston: Kluwer Academic Publishers, 1989), in which it is argued that acknowledgment of the liberty rights of one's interlocutors is a necessary presupposition of discourse.

uals find libertarianism eminently resistible. The question that suggests itself with no little urgency is: Why?

Two answers leap to the fore. One possibility is that the vast majority of people are wicked; the other is that they are invincibly ignorant. In the former case they are our moral inferiors, in the latter our intellectual inferiors. Or perhaps they are *both* knaves and ignoramuses. Whichever branch of the explanatory tree is mounted, the inescapable conclusion is that there exists a vast, even unbridgeably vast, gulf between the libertarian few and the nonlibertarian many. This is the secular equivalent of Isaiah's depiction of the Saving Remnant. Not surprisingly, although libertarians who fit this description typically display a virulently antitheistic orientation, their language and behavior is reminiscent of familiar sectarianisms. They recognize the authority of charismatic, inspired teachers. They take easily to denunciatory rhetorical tropes in which those outside the fold are held up for scorn and obloquy—not so much scorn or obloquy, though, as those who had formerly occupied a position within the favored group, but who subsequently were seen to waver or defect from the pristine creed. Nonbelievers hover in limbo, but heretics are consigned to the deepest circle of libertarian hell. Schism, purges, and ostracism are regular episodes in the libertarian drama. That this reduces the population of the saved from, say, 1 percent to 0.1 percent is of no consequence when insistence on doctrinal purity is at issue. Nor is the fact that these mini-convulsions appear thoroughly ludicrous to outside observers a deterrent. Libertarians are not, of course, the only denomination that affords this spectacle; American Trotskyites regularly put themselves through similar cathartic purges, and fringes of the contemporary paleo-right seem intent on choreographing equally arcane dances.[10] Given the assumption of readily accessible but overwhelmingly neglected truths of fundamental importance, such practical consequences are almost unavoidable.

This sort of creedal wrangling is unlovely. But how is it to be avoided by those who are convinced that (L) is true, indeed a truth of the utmost practical significance? Heroic self-restraint in the face of invincible human obduracy is one path of egress, but heroism is an exceedingly scarce moral commodity. So the more likely route is via abandoning the presuppositions that generate the contretemps. One can, for example, give up the claim that moral principles are grounded in nature, and instead swing to the opposite pole, holding that they are purely conventional understandings rooted in local social mores. Perhaps these conventions will display considerable regularity across cultures, or perhaps they will be expansively diverse. In either event, the meta-ethical pigeonhole into which they fall is moral relativism. If moral relativism is true, however,

[10] See, for example, the symposium on "The End of Democracy?" in the November 1996 issue of the Christian conservative journal *First Things*.

then (L) is false. Libertarianism could be at most *a* correct moral framework, not *the* correct one. Therefore, whatever the merits of pure conventionalism, it is not relevant to the topic under consideration.[11]

A. Locating morality

I understand morality, including libertarianism, to be neither the law of nature nor purely conventional. Rather, I believe it to be convention grounded in nature. That is, there are certain fundamental facts about the makeup of human beings and their circumstances that are, if not constitutive of what it is to be a human person, then so pervasive and characteristic of the world in which we act that they might just as well, for all practical purposes, be necessary conditions. (The old, not quite yet defunct term for this halfway house between metaphysics and sociology is *philosophical anthropology*.) It is in virtue of these facts that we are a species that cannot dispense with morality. Least of all can we dispense with *justice*, the precinct of morality that houses libertarianism. However, only insofar as these needs stimulate the development within actual human communities of a technology of moral norms and practices will there come to exist an effective structure of rights and duties, oughts and obligations.[12]

The fundamental facts I have in mind are thoroughly familiar, even banal. They can conveniently be put into three groupings. First, human beings are *vulnerable*. When we are cut, we bleed. More specifically, we are vulnerable to incursions by others. As Hobbes noted, even the mightiest can be laid low by the humble while sleeping or unobservant. Second, individuals' *interests conflict*—not always and everywhere, but enough so that my exercise of prudence does not carry any guarantee of your well-being. If nature had strapped us together like mountaineers at opposite ends of a rope, morality might be dispensable. Instead, nature has given us ropes that can easily be adapted to function as nooses around others' necks. Therefore, what we each need from all others is, if I may be allowed to put it that way, a little slack. Third, should we manage to mesh our actions, a *cooperative surplus* is available. However, to use the game theorists' term, the cooperative strategy is not dominant. In the absence of conventional forms, individuals will often be able to improve outcomes for themselves by following a beggar-thy-neighbor strategy. Thus dissolves the potential cooperative surplus.

[11] I discuss moral relativism at greater length in "Harman's Moral Relativism," *Journal of Libertarian Studies*, vol. 3 (Fall 1979), pp. 279–91.

[12] I say *technology* to underscore the fact that these norms and practices must be *created* through skilled artifice rather than simply *discovered* as preexisting components of the natural order. Whether virtues are similarly dependent on conventional undertakings is a separate question. I am inclined to believe that some virtues can be genuinely natural to an extent that so-called natural law or natural rights cannot be.

Framed within this context, morality is seen to have a *point*, one embedded in concern for human interests. It is not a set of abstract propositions read off the book of nature or distilled *a priori* from pure practical reason. Like money, mattresses, and marriage, morality is artifactual. It represents a creative response to perceived needs and, as such, has the capacity to make life go better. (Though not necessarily so: consider avarice, back ache, and messy divorces.) As some narratives, for example that of Hobbes, tell the story, morality is constructed from whole cloth as a deliberately engineered violence-avoidance mechanism. In other versions, those of Hume and F. A. Hayek for example, moral structures are almost entirely the product of human action but not human design. They are born, mutate, evolve, die out, or thrive in almost Darwinian fashion. I find the second way of relating the story more credible, but there is no need to take sides here. A helpful analogy is to language. Particular phonemes are entirely conventional, at least within the constraints set by the human vocal mechanism. That we have language, though, and use it to describe, to ask questions, to give commands, to berate and praise, are not random bits of happenstance. Rather, they are grounded in deep facts about the human condition and the significance to us of communication. And, if Noam Chomsky is correct in ascribing to all human language a common deep structure, then all conventional manifestations of the linguistic capacity have a natural basis.

Along with the three fundamental facts from which morality (and again, I note, most especially justice) takes its point, we can identify three conditions that bear on how successful it is liable to be in meliorating the human condition. Taking a cue from Hume and John Rawls, I refer to these as the *circumstances of morality*, though no identity between my formulation and theirs is claimed.

1. Moderate goodwill. Most people most of the time are capable of being motivated in an appropriate direction by the weal or woe of others. A somewhat different dimension of moderate goodwill is that people are willing to bind themselves in schemes of cooperation with other willing cooperators. This is not to demand a general willingness to live by the terms of the Golden Rule or utilitarian impartiality; that would render morality utopian in the most literal sense of that word. It is, though, to invoke more than the calculative rationality that Hobbes and David Gauthier[13] believe to be sufficient for bootstrapping one's way out of the war *of all against all* and into morality. The classic expression of the rationality-alone construal is Kant's bold announcement that "[a]s hard as it may sound, the problem of setting up a state can be solved even by a nation of devils (so long as they possess understanding)."[14] But even if it can be

[13] David Gauthier, *Morals by Agreement* (Oxford: Clarendon Press, 1986).

[14] Immanuel Kant, "Perpetual Peace," in *Kant's Political Writings*, ed. Hans Reiss (Cambridge: Cambridge University Press, 1970), p. 112.

solved, it is also susceptible to being dissolved. Fresh outbreaks of deviltry will disrupt the delicate equilibrium. (Think of cease-fires in Bosnia.) For the sake of stability, if nothing more, we had better hope to have a population with greater moral aptitude than that possessed by devils.

2. *Moderate intelligence.* Most people most of the time are capable of learning at least the most central moral rules, recognizing situations calling for the application of those rules, and figuring out which actions on their part will constitute compliance with the rules. Beyond this, it will be useful if individuals are able to sensibly adjust their conduct when exceptional circumstances suggest that the usual considerations might not apply, to adjudicate conflicts among rules, to act in concert with others to meet new circumstances, and to assimilate new information by modifying the system of rules to which they declare allegiance. For the most part, though, it suffices that morality be the province of proles, not archangels.[15]

3. *Moderate demandingness.* From saints and heroes anything can be asked and they will provide it—and more. This is a proposition of striking irrelevance to the quotidian practice of morality. The vast majority of individuals are neither saints nor heroes, and therefore the magnitude of the restraints they may be expected regularly and reliably to place on their own conduct is small. Morality can hold up ideals to which people are *invited* to aspire or admire, but what it can *demand* as a matter of strict obligation is sharply limited.

If, then, communities of human beings bring to the circumstances of nature (including their own nature) moderate goodwill and moderate intelligence regulated by principles under which ordinary men and women can comfortably live, then they will do better at shielding their vulnerabilities, brokering conflicting interests, and availing themselves of the potential surplus from cooperation. The point of morality will have been realized.

B. Morality and libertarianism

Where do the precepts of libertarianism fit into this model? By hypothesis, (L) is true: libertarianism is the correct framework for political morality. Minor qualifications aside, that is to say that libertarian precepts are not onerously demanding for moderately intelligent persons of moderate goodwill, and that if such persons manage to arrive at libertarian precepts as the regulative principles under which they commit themselves to live, then they will tend, under a wide, if not infinitely wide, range of conditions, to do better with regard to confronting the three natural facts. General respect for libertarian rights will render them less vulnerable to breaches of the integrity of their persons, especially those breaches initiated by other individuals. Acknowledgment of a moral space

[15] The contrast is from R. M. Hare, *Moral Thinking* (Oxford: Clarendon Press, 1981).

within which each individual is sovereign will afford them epistemically accessible bases for peacefully resolving conflicts of interest. And robust rights over one's person and property make possible exchange relations that tap for mutual benefit the potential cooperative surplus. This is the condensed version of the story that I (as well as many other libertarians) have spun at greater length. To it I add a pair of follow-up points. First, although libertarianism represents the optimal solution to problems of human interaction, nothing said here is meant to deny that other, less good but nonetheless creditable solutions can be crafted. A fine red Burgundy is the optimal beverage to consume with filet mignon, but a cold lager or, in extremis, water is better than nothing. Second, libertarianism serves as the optimal solution only insofar as it is embodied within some actual community as its regulative political framework. A libertarianism that is the esoteric doctrine of a coterie of moral savants does not fulfill this function.[16]

At present, libertarianism does not regulate our interactions with each other; that, alas, is the unavoidable upshot of (M). What does this hard fact imply for libertarian belief and practice? One thing that it does not imply is that one should reject libertarian precepts; (L) is, after all, true. One might instead conclude that because libertarianism fails to obtain, one lives in a morally bankrupt society. Let us call this *rejectionist libertarianism*. Concomitant with adherence to rejectionist libertarianism is denial of legitimacy to all social institutions that are incompatible with pristine libertarianism. As much as possible the embrace of such institutions will be avoided. If it should prove feasible, one may choose to emulate the disaffected Essenes who withdrew from wicked Jerusalem to the Qumran caves, where they could establish their enclave of the godly and deposit their sacred texts. It has often been a fantasy of rejectionist libertarians to be able to retreat from the wider society to some offshore libertarian paradise. But if geographical isolation is too costly, then one can attempt to effect a spiritual retreat, avoiding as far as one is able the touch of any appurtenances of the state. What one cannot withdraw from, one will defend against. Swiss bank accounts, multiple passports, a well-stocked bunker, a copious supply of armaments, the collected writings of Ayn Rand: these are the instruments of choice.

Without in any way denying the right of individuals to detach themselves from the greater society, I believe that this response to the conjunction of (L) and (M) is overreaction that borders on hysteria. It expresses the conviction that no moral technology other than full-blown libertari-

[16] That is not to say that a libertarianism that is not realized is impotent. It can serve as a beacon for seeing one's way through the moral mists with sufficient clarity to realize that we could lead better lives with our fellows under a regime of expansive liberty. As such, libertarianism can be a valuable object of study, advocacy, and inspiration. It also, as I argue below, yields significant implications concerning how one ought to act in venues at considerable distance from the libertarian desideratum.

anism merits one's respect or allegiance. I suspect that this judgment is belied by the conduct of many of its adherents insofar as they implicitly rely on others, even agents of the government, to exercise moral self-restraint so as not to rape, assault, murder, and even not to snatch too much of one's property. It also represents, I believe, a serious misestimation of what sorts of lives are rewarding and how inimical the presence of an overly large state is to prospects of individual flourishing. Hysteria, though, is not something that people can easily be talked out of, and in any event I shall not attempt to practice such therapy here. Rather, the remainder of the discussion is directed to those who share the belief that the depressingly nonlibertarian character of the United States is not *too* depressing, that productive and morally respectful interchange with the unconverted is both feasible and desirable.

III. Cooperative Libertarianism

For those who believe that libertarian precepts can be read off the book of nature by all those who enjoy the moral equivalent of something like a tenth-grade reading level, it is virtually unavoidable that those who fail to subscribe to libertarianism will be regarded as dunces or as wicked. The alternative libertarianism, what I shall refer to as *cooperative libertarianism*, is more generous. It is willing to concede that the nonlibertarians among whom one lives are mostly well-meaning, honorable people with whom one may cooperate without thereby dishonoring oneself. (Of course, just as the fact that one is paranoid does not mean that one has no real enemies, so too are there nonlibertarians—and libertarians!—who genuinely *are* evil and stupid.) Nonlibertarians are, to be sure, importantly mistaken concerning a momentous matter, but that mistake discredits neither their intellect nor their character. Possession of moderate goodwill and moderate intelligence do not immunize people from statist persuasions. Indeed, neither does an abundance of goodwill and intelligence. That is because the moral terrain that must be traversed in order to arrive at the libertarian destination is steep, rocky, and dotted with mirages. Nongeneralizable items within one's personal experience heavily influence the likelihood that one will achieve that happy consummation. Rawls refers to these epistemic obstacles as the "burdens of judgment."[17] Let me offer some examples that specifically relate to acceptance of (L).

Libertarians know that market relations are the superior institution for distribution of property. Nonlibertarians typically hold that there is an important role for the market but that distribution via democratic determinations is also indicated. Why might a reasonable person adopt this stance? Several reasons suggest themselves. First, one might believe that

[17] See John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), pp. 54–58.

although free markets promote efficiency, their justice remains questionable until and unless it can be established that individuals' initial endowments are fairly determined; and one might believe that we do not possess a satisfactory account of how original acquisition of property is supposed to work. In fact, many libertarians share this unease. Second, even if we possess an adequate theory of original acquisition and justice in subsequent transfer, it is transparently clear that actual property holdings do not derive from this straight and true path. Therefore, it may seem plausible to maintain that intervening in markets by way of compensation or rectification is called for. Again, even some libertarians share this apprehension. Third, one may suspect that voluntary market arrangements will not suffice to produce an adequate quantity of public goods and, therefore, that provision by the state is called for. This may be an economic misconception, but even Adam Smith, not usually identified as a notorious statist, was taken in by it. Fourth, someone who has been treated to photos of thalidomide babies, or followed ValuJet Airlines stories on television, or knows someone who fell into the clutches of a medical quack, may be persuaded that some measure of regulatory oversight and occupational licensure are needed. This view may be false, but it is not obviously false. Fifth, one may observe that the quality of life enjoyed by people who live in proactive democracies such as the United States and Germany tends to be considerably higher than that experienced by those who live in places like Zaire or Yemen where democracy is conspicuously less present. Therefore, it may seem reasonable to allow large scope for democratic determinations, including oversight and correction of the market. To reiterate, I do not hereby endorse these conclusions, but I do maintain that they are not ludicrous.

It would not be difficult to supply similar considerations in other spheres where libertarians diverge from nonlibertarians. It is a mistake to hold that the government ought to fund and run school systems, but it is not an egregious mistake. People who believe this are not to be lumped with those who think that Jews have horns or that Elvis is pumping gas at the corner Texaco station. Ditto for those who believe that zoning enhances the livability of neighborhoods, that commercial establishments ought to be legally required not to exclude black customers, that Yosemite ought not be auctioned off to the highest bidder. These are people with whom we literally and figuratively can do business.

Consider an analogous area in which toleration and blanket rejection are options. Perhaps no more vexing issue than abortion roils the American polity. Some hold that abortion is nothing other than the slaughter of innocents; others retort that opposition to abortion is opposition to women's sovereignty over their own bodies. It is news to no one that between these parties arises contention aplenty. At least equally noteworthy, although much less often remarked on, is the extent of accommodation achieved between them. Many abortion-is-murder believers work or live

next to abortion-is-a-woman's-right exponents. They may even be friends who have learned to agree to disagree. They can do so despite the gravity of the issue if they perceive that the burdens of judgment are especially heavy in this domain and that one who sees matters differently may nonetheless be one's moral and intellectual peer.[18] Of course the rhetoric pedaled on both sides of the dispute is intended to disrupt such accommodation, and every so often someone is gunned down outside an abortion clinic. What is remarkable, though, is how few shootings there are. On any given day, such an abortion-related eruption is less probable than a California freeway fracas in which one enraged motorist pulls out his shotgun to blow holes in another motorist who has committed the sin of tailgating.

The moral of the abortion analogy is not merely vapid praise of toleration, but rather a more capacious understanding of what is genuinely tolerable. Still, the implications drawn so far may strike the reader as not especially venturesome. Wasn't it Mom who said on the first day of kindergarten, "Play nicely with the other little boys and girls"? Perhaps it seems that the foregoing discussion is little more than an updated version of her wisdom. Accordingly, I now move to argue for implications that will be more controversial.

Libertarians are wont to intone, "Taxation is theft!" It is our clever variation on Proudhon's "Property is theft!"[19] Cleverness is to be applauded, but not when it leads to outsmarting oneself. It is one thing to *say* that taxation is theft, another to *believe* it. Causal relations run between assertion and belief in both directions, and many libertarians who say it also believe it. They are mistaken. Moreover, they are mistaken in a way very difficult to achieve unless one is in the grip of an ideology. Taxation is *not* theft. It may resemble theft in important respects; it may be the case that some of the reasons that lead us to condemn theft will, if properly considered, lead us to condemn taxation; it may even be the case that taxation is as morally reprehensible as theft; nonetheless, and with apologies for the repetition, it is not theft.

The point is not semantic but rather phenomenological. The perceived reality of theft is notably distinct from that of taxation. When I return home from a libertarian scholars' conference to find the lock on my door broken and my television set gone I am outraged. That which I expected

[18] Unaccountably, Rawls denies this. See *ibid.*, p. 243, n. 32.

[19] See Pierre-Joseph Proudhon, *What Is Property: An Enquiry into the Principle of Right and of Government* (New York: Howard Fertig, 1966), p. 11. I have been unable to discover who originated "Taxation is theft." In *Libertarianism* (Los Angeles: Nash Publishing, 1971), John Hospers refers to a pamphlet entitled "Taxation is Theft," issued by the Society for Individual Liberty, Silver Springs, Maryland, but no publication date is indicated. Lysander Spooner is the spiritual ancestor of the locution, but he identifies taxation with *robbery* rather than *theft* in *No Treason, No. VI: The Constitution of No Authority* (1870; reprint, Larkspur, CO: Pine Tree Press, 1966), p. 17. It is mysterious why the equation with theft has won out in contemporary libertarian circles; Spooner's phrasing makes the point more effectively.

to be secure from encroachment has been violated. The perpetrator of the theft has transgressed rules that both he and I recognize to be the *de facto* as well as *de jure* principles of cooperation that undergird a framework of civility from which all citizens can expect to derive benefit. The moral ire I feel is, then, not some amorphous feeling that things are other than they ought to be. Rather, that animus is precisely localized: it is focused on *this* act by *this* individual. Moreover, I possess a justifiable confidence that my animus will be seconded by those among whom I live. What is primarily a violation of my rights is understood by them to be more than a private conflict of interest between me and the individual who coveted my television.[20] Accordingly, I am able to avail myself of the formal apparatus of the legal system and the informal vindication afforded by a consensus among the members of the moral community that I have been violated and ought to be made whole. And if I am exceptionally lucky, this solidarity may even help me to recover the TV set.

In nearly all relevant respects the perceived context of taxation is significantly different. I look at my pay stub and observe that a large slab of my salary has been excised before I ever had the opportunity to fondle it. This is an annoyance, perhaps an intense one. But it is not focused on the particular extraction. Rather, its object is some or all of the tens of thousands of pages of the tax code, the political order within which the power to tax is lodged, and the constitutional foundations on which that political order is erected. I wish some or all of it were otherwise; that, though, is the inverse of a highly specific grievance. Moreover, I cannot count on the solidarity of my fellow citizens. That is both a descriptive and a normative statement. If I have adopted the cooperationist rather than rejectionist attitude toward the society in which I live, then I am thereby committed to acknowledging that although my fellow citizens' views concerning the ethics of taxation are, as I see it, mistaken, the perspective from which they adopt those views is not so unreasonable or uncivil as to disqualify them from moral respect. I am entitled, perhaps even obligated, to attempt to persuade them to think otherwise. However, prior to the dawning of that bright day in which the veils are lifted and freedom reigns, I shall, if I am not a fanatic, concede the legitimacy (not, of course, the optimality) of the overall moral framework within which taxation takes place. It is, therefore, not only misleading but also an exercise in borderline incivility to equate taxation with theft, for if it is taken in its straightforward sense, that pronouncement denies the legitimacy of the social order and announces that I regard myself as authorized unilaterally to override its dictates as I would the depredations of the thief. It says to my neighbors that I regard them as, if not themselves thieves, then confederates or willing accomplices to thievery. Is it pusillanimous to suggest

[20] Thus the characterization of crime as a wrong done not only to the individual victim but to *the people*.

that declaring war, even cold war, against the other 99 percent of the population is imprudent? I would therefore caution libertarians to shelve the "Taxation is theft!" slogan despite its sonorous ring, and if they cannot bring themselves to do that, then at least to cultivate a twinkle in the eye when they haul it forth.[21]

Another example: Libertarians decry the Social Security system's enforced transfers from the young to the old. I share that antipathy. I do, however, part company from those who, when asked to contemplate a transitional regime, snarl that the geezers have been enjoying the fruits of illegitimate plunder lo these many years and that justice would best be served by cutting them off forthwith. To these hard-liners it is entirely immaterial that for more than fifty years Social Security has enjoyed a level of popular support unmatched by any other welfare-state program, that it has garnered the electoral support not only of the old who are its recipients but also of the young who fund it.[22] The hard line bears softening. The Social Security administration is a blot on the body politic, but it does not render that body too putrid to merit preservation. This means that although it was an error to create these claims of the old on the young, now that they exist and have been repeatedly validated in a political arena that is far from ideal but not so defective as to merit wholesale rejection, those claims carry moral weight that libertarians disregard at their peril.

IV. Libertarianism and Personal Conduct

I turn now to a different family of implications that flows from the conjunction of (L) and (M), implications concerning the personal conduct of libertarians as they warily confront the state and its various bastard progeny. Some libertarians are uneasy about driving on state-funded roads or utilizing the state's postal services. That degree of scrupulousness seems extreme because there does not exist an alternate network of purely

[21] Compare with Susan Brownmiller's claim that "from prehistoric times to the present . . . rape has played a critical function. It is nothing more or less than a conscious process of intimidation by which *all men* keep *all women* in a state of fear." Brownmiller, *Against Our Will: Men, Women, and Rape* (New York: Simon and Schuster, 1975), p. 15 (emphasis in the original). She does not say that many/most men are beneficiaries, direct or otherwise, from violent sexual impositions on women. Nor does she maintain that all heterosexual intercourse *resembles* rape in relevant respects, nor even that all heterosexual intercourse is morally defective for *reasons that correspond* to those rendering rape morally defective. These latter claims are merely far-fetched and eminently disputable. But what she actually maintains is dumbfoundingly preposterous—moreover, preposterous in a way that announces a relation of hostility to all men and, perhaps, to all women whose coital practices she disapproves. This is not, I believe, an example that ought to commend itself to libertarians.

[22] Polls have revealed that a majority of those in their thirties and younger believe that Social Security will not be there for them when they retire. Nonetheless, they have not shown themselves to be politically mobilizable in opposition to the system. I explore why that might be so in "Is Social Security Politically Untouchable?" *Cato Journal*, vol. 5 (1985), pp. 157-75.

private roads or other providers of first-class mail delivery of which one can avail oneself. Becoming a libertarian is not—or ought not be—a commitment to don a hair shirt. The freeway isn't free; it is funded from coercively extracted imposts. But to regard it as off-limits on the basis of moral scruples is a further, self-imposed restriction of one's freedom. So most libertarians will feel few compunctions about driving on an interstate highway or mailing back their sweepstakes entry to Publishers Clearing House.

Somewhat more troubling are activities like vacationing at a national park or attending a concert in a tax-subsidized auditorium. For these there are reasonably satisfactory private alternatives. Is one morally obliged, then, to vacation at Disney World rather than at Yellowstone? An affirmative answer still evinces a high degree of scrupulousness. Donald Duck is not all that close a substitute for Old Faithful. Libertarians ought not be required by their principles to lead geyserless lives.

Here is an example that strikes closer to home. Although I believe that there should be no such thing as a state university, I am employed at one. In the United States there exist hundreds of private colleges and universities; perhaps I could get a job at one of these if I tried. Or failing that, I certainly could secure some job in the private sector that would afford me a middle-class mode of life. (I have, for example, some cooking talents from which I probably could derive a flow of income.) Nonetheless, I have not attempted to do so. The position I currently occupy is, to the best of my knowledge, the most desirable one available to me. Securing alternate employment would involve bearing a non-negligible opportunity cost, not one so great as eschewing highway use, but nonetheless substantial. Should I, as a libertarian, accept that cost? Similarly, my children have been educated mostly in the public school system. There existed plausible private alternatives, though none that I judged worth the cost. Should libertarian scruples have led me to reconsider this decision?

Formerly I regarded these questions as indeed posing a thorny dilemma for me and, by extension, for other libertarians whose involvement with the state is similarly deep. The response I gave when the questions were put to me, either by some mischievous interlocutor or by myself, was to haul out the "hair shirt" argument, although I had to admit that these particular garments were not insufferably scratchy. And I conceded that if one had the option of taking only slightly inferior employment in the private sector, then it would be an act of bad faith for a libertarian not to do so. In part as a result of thinking my way through the preceding argument of this essay, however, I have convinced myself that this view was mistaken. Teaching philosophy in a state university is not morally inferior to teaching philosophy in a private institution. Some readers may take that as a reductio ad absurdum confirming the corrupting tenor of this essay's argument. In response I note that even self-serving arguments can happen to be valid.

Consider the following analogy. The American League has adopted the designated-hitter rule, and the National League has rejected it. Baseball fans often feel strongly concerning which is the better arrangement.[23] Those who oppose the designated-hitter rule tend to despise its effect on the great American pastime. Suppose that you are among their company. If you are offered a job managing a National League team and a slightly better job managing an American League team, do your principles oblige you to accept the former? I do not believe that they do. If you take the American League managerial job, would it then be morally better of you to decline to avail yourself of the option to designate a specialized hitter and instead have the pitcher bat in his spot in the lineup? I do not believe that it would be.

Some will reject the analogy on the grounds that baseball is merely a game and thus is not a serious affair for serious-minded adults. That is to betray an egregious misunderstanding of the nature of baseball. I shall not, however, take up that particular cudgel in this essay. Rather, I note that reasonable people can differ concerning the rules under which baseball ought to be played, and reasonable people can likewise differ concerning the rules under which educational services ought to be provided. A disestablishment of education is desirable, but, to my personal and professional regret, the vast majority of Americans reject that proposition. They believe that the common good is better served by systems of tax-supported schools. Their endorsement of public education is, apparently, genuine, as opposed to a thinly disguised cover for plundering one segment of the society for the sake of another. ("Public education is theft!" is, therefore, another no-go.) One who is committed to cooperating with others on terms that all can reasonably—if not joyously—accept may, then, unapologetically act as a consumer or producer of tax-funded educational services. My previous reluctance to accept this conclusion was, I now believe, the result of confusing considerations bearing on how one may permissibly act under a system of rules with considerations bearing on how one may permissibly act with regard to selecting and maintaining those rules. If a libertarian who enjoys a comfortable living within the public sector declines, because she cherishes that comfort, to oppose its extension and advocate its abolition, if she prudently decides to focus her political activities on areas the freeing-up of which will not affect her own welfare, if she refrains from suggesting to her students that she and they are the beneficiaries of an unjustifiable practice of transfers from the less well-off to the more well-off, then she has indeed been corrupted. One need not be so pessimistic as to suppose, however, that such corruption is the inevitable consequence of entente with the overinflated state. Nor,

[23] George Will writes on this issue with an eloquence and passion rarely matched in his oeuvre.

for that matter, need one be so pessimistic as to maintain that the preceding sentence itself necessarily manifests that corruption.

It can be objected that complicity with statist undertakings willy-nilly expresses support for those undertakings. That objection deserves to be taken seriously. To the extent that action under the rules implies or may seem to imply endorsement of those rules, libertarians are obliged to be wary. Conscientious objection and conscientious abstention are, therefore, honorable stances that acknowledge the force of one's expressive obligations.[24] There are, however, other ways in which one can articulately convey one's attitude toward prevailing norms. The concept of a "loyal opposition" has application outside the legislative arena. It may be as difficult for a libertarian who is employed by a public body effectively to display his convictions as it is for a socialist bringing home millions on Wall Street (although, for the latter, the example of Engels is instructive). Difficult does not, however, mean impossible. Indeed, it can be argued that if libertarians impose on themselves a social apartheid, then they will be less able to make their voices heard in precisely the domain where they are most needed. Nothing is more banal than a farmer plumping for higher agricultural subsidies, steel manufacturers lobbying for quotas on steel imports, educators advocating more dollars for education; but when representatives of these industries urge withdrawal of the governmental teat, that is striking. Libertarians may, I conclude, honorably avail themselves of governmentally provided benefits. It is also, I hasten to add, possible for them thereby to dishonor themselves. It all depends on how the game is played—and on how the game of choosing the rules of the game is played.

The critic may complain that this is far too undemanding a prescription. Just so long as one footnotes in nine-point type one's demurral from the coercive practices of the prevailing regime, anything goes. Are there no limits, it may be asked, on the extent to which one may involve oneself in illiberal practices? Is the vox populi utterly determinative of the vox libertarii?

To the contrary, there are limits, and these limits are implicit in the model of cooperative libertarianism itself. These limits are not algorithmic; their application requires discernment and sophistication. But, contra those who wish to reduce ethics to an automated decision procedure, the need for discernment is endemic to moral life. Living well isn't easy; so what else is new? For the cooperative libertarian, the task of discernment is to distinguish between, on the one hand, those measures that can reasonably (if mistakenly) be construed as responsive to the interests of

[24] For a discussion of expressive ethics, see Geoffrey Brennan and Loren Lomasky, *Democracy and Decision: The Pure Theory of Electoral Preference* (New York: Cambridge University Press, 1993), esp. ch. 10, "Toward a Democratic Morality."

all citizens acting within a framework of reciprocity and mutual advantage, and, on the other hand, those policies that are designed to plunder some for the sake of serving the interests or prejudices of others. Because legislative packages do not come neatly labeled as to which of these categories they fall under—or rather, because those that ought to carry the second description are invariably packaged under the first—judgment must be exercised. It is, therefore, neither feasible nor desirable to offer a comprehensive demarcation of clean and unclean here. The following examples are presented as indicative rather than clear-cut, and they are intended as a stimulus for further discussion among libertarians rather than as the blueprint for a new libertarian paradigm.

One class of governmental enterprises that libertarians need not reject as inherently unacceptable are those that supply public goods. Insofar as their provision serves the interests of all individuals rather than treating some people as mere means for the ends of others, public goods can reasonably be taken to be fit objects of concern for a polity founded on terms of mutual advantage. National defense is the stock example of a good which, once provided to some citizens, cannot feasibly be withheld from others, and for which the consumption by some does not diminish the amount available to others. Publicness in this sense is an economist's term of art, and within that context there is ample debate concerning the fine points of the concept, including debate over the extent to which it admits of more and less and over how the public/private ratio is to be ascertained. Although these discussions bear significantly on efficiency and equity questions surrounding political provision of items that more or less closely fulfill the criteria of being public goods, they need not detain us here. Arguably public in the relevant sense are police and fire-fighting services, roads, basic (as opposed to applied) research, environmental protection, and the like.

A second class of activities that may pass the test are social insurance programs. Medicaid for the indigent, unemployment insurance, and food stamps are examples. The argument for governmental provision taps into familiar equity considerations concerning the desirability of a social safety net, but also into somewhat more recherché arguments that attempt to establish that because of moral hazard and adverse selection phenomena, these insurance functions cannot satisfactorily be carried out via market arrangements. Taken together these may fail to make a case for government involvement. The failure is not so palpable, however, that a conscientious libertarian must not allow them to soil her hands. So, for example, a libertarian physician may treat Medicaid patients; a libertarian grocer may accept food stamps.

A third class of activities that may qualify as acceptable are measures that incorporate the practice of moderate paternalism. Some examples are a Food and Drug Administration that rules on the safety of the pharma-

ceuticals we consume, seat belt and motorcycle helmet laws, and forced savings for retirement. At the risk of becoming tiresome, I repeat that I am not hereby announcing myself in favor of such policies. Were I the philosopher-king who ruled America, I would shut down the FDA tomorrow and delegislate mandatory seat belts and helmets the day after tomorrow. But I am not the philosopher-king, and it is a very good thing that no one else is either. Our political order, though far from perfectly liberal, incorporates a much higher degree of consent among moral equals than does that of Plato's *Republic*. For better or worse, the citizenry accepts the propriety of making people do some things for their own good whether they want to or not. These paternalistic practices do not constitute a summary abandonment of civility, but rather the adoption of a somewhat inferior version of it. A word about the qualifier *moderate* paternalism: By that is meant measures that impinge on individuals in areas closer to the fringes than to the centers of their lives. If I am forced to buckle up when I drive, that only slightly affects my ability to devote myself to personal projects; if because I have had the temerity to don saffron robes and chant "Hare Krishna" I am kidnapped and subjected to the tender ministrations of the deprogrammer, that impales my pursuit of the good at its heart. No libertarian can conscientiously accord any legitimacy to the latter sort of paternalism.

That brings us to the question of that which is beyond the pale of toleration by cooperative libertarians. I do not have any neat schematism for the display of these breaches. Rather, I can offer nothing more exact than this rule of thumb: All those measures that deliberately or foreseeably trample on the rights-respecting activity of some to advance the interests or designs of others merit all the disdain and noncooperation libertarians can muster. If slavery were still around and enjoyed the support of millions of one's compatriots, it would be the paradigm of an institution with which no accommodation is possible. But it is not exactly bold and provocative theorizing to send one's moral principles into battle against Simon Legree. Since slavery is blessedly dormant, the War on Drugs is perhaps the best example of a contemporary practice enjoying wide popularity with which libertarians must conscientiously refuse any degree of accommodation. Hundreds of thousands of individuals have been jailed for illicit chemical consumption; civil rights have been obliterated by glinty-eyed G-Men; vast swatches of our cities have been rendered unlivable by fallout from the battles. To be sure, drug crusaders have offered rationales for these policies, rationales that invoke time-honored moral concepts. Some drug warriors profess that by threatening to lock up drug users and then carrying out those threats, they are acting for the sake of the users' good. It is a wondrous if not entirely benign feature of human lips that they can be employed to say virtually anything. This is one of those cases where discernment is needed to distin-

guish between the plausible and the pathetic. The level of discernment which is needed to see through the various drug czars' rhetoric does not, I confess, seem to me to be great. Whether great or small, though, I do not see that a conscientious libertarian can have any truck with this crusade. One may not relieve oneself of the burden of one's unpleasant neighbor by informing the authorities where he keeps his stash, and one may not become one of those authorities. Period.[25]

Similarly, a libertarian cannot tolerate practices of punishing individuals for "victimless crimes." Nor can censorship from the religious right or the feminist left be accepted. Insofar as these are attempts to impose on individuals one's own conception of what is good and proper by making it too costly for them to hold on to their own conceptions, these practices cannot with any credibility be understood as passing the test of cooperating for mutual benefit with one's moral peers. Rather, these are the acts of would-be moral superiors imposing on their inferiors. Enforced monopolies, coercively extracted rents, and restraint of competition are other clear-cut instances of plunder and, as such, are to be afforded no credibility. In a world distinctly suboptimal from a libertarian perspective, it may be impossible entirely to avoid their embrace without simultaneously donning the hair shirt (recall the example of the monopoly post office), but what libertarians may not do is endorse these, through word or conduct, as even plausible simulacra of policies reasonably conceived as respecting the interests of all citizens.

Could it not be objected that all of these measures are widely approved by the general public, the same general public toward whom cooperative respect has been urged? The short answer is: Yes. How can one continue to display moral respect for those who have been gulled by the Drug Warriors, the vice-squad gendarmes, and the import restricters? The short answer is: With considerable difficulty. The somewhat longer answer is to respond to the question with another question: What is the alternative? If it is tacitly or openly to enter into a state of war vis-à-vis those majorities, then the choice of alternatives is truly momentous. One must not only realistically consider one's own prospects, to cite a 1996 sub-1 percent libertarian candidate, of finding freedom in an unfree world,[26] but one must also attempt accurately to reckon the costs of forgoing cooperative

[25] Or almost period. May I, as a cooperative libertarian, camouflage my views and take a job as a Drug Enforcement Agency employee so as to be able to sabotage its efforts from within? To do so is extremely dangerous, not only in the personal sense that if one were detected the consequences for one's well-being would be severe, but also in the sense that it puts one perilously close to abandoning the cooperative camp for the rejectionist one. Perhaps, though, it is possible to be a rejectionist in one limited sphere while otherwise being a cooperator. These are difficult and important issues that deserve more consideration than I can lend them here.

[26] The candidate was Harry Browne, author of a book entitled *How I Found Freedom in an Unfree World* (New York: Macmillan, 1973).

activity with the exasperatingly nonlibertarian many. That, in turn, involves considering whether they suffer from localized and remediable patches of unreasonability or whether these are global and terminal. Someone who stodgily and unreflectively takes the president at his word that it is a good thing to continue to imprison pot smokers (presumably only those who inhale) is not automatically to be lumped in with the fervent Nazi who willingly bore great hardships so as to be able, even as Allied boots could be heard in the distance, to continue with his mission of gassing Jews. To be a libertarian is a doleful fate indeed if it entails despair on each occasion when the vast multitude fails to be persuaded by one's own lucidly compelling arguments. It can, however, be a matter of some joy if one conceives one's station as being a participating member of a society of mostly reasonable and mostly civil individuals, and enjoying in virtue of one's libertarianism a perch of honor in its 99th percentile.

Philosophy, Bowling Green State University