



11350 Random Hills Road, Suite 800, Fairfax, Virginia 22030 Phone (703) 934-6101 Fax (703) 352-3678

fff@fff.org www.fff.org

Concentric Circles

by Sheldon Richman

Libertarians are always happy to get noticed in the mainstream media. It happens so seldom. But not all attention is good attention, even when it's sympathetic.

Susan Lee, of the *Wall Street Journal's* editorial board, teaches this lesson in her article on the newspaper's editorial page of February 12. Ominously titled "Sex, Drugs and Rock 'n' Roll," Lee's article pays libertarianism a compliment it would best decline.

She begins by lamenting the absence of libertarian voices in the debate over cloning,

Conservatives want a total ban, liberals only want to stop human cloning. What's mostly missing from the debate, however, is the libertarian position. And that's a shame. A little bit of libertarian thought would clear the political sinuses.

That was a promising kickoff, but as I read it, I felt I was being set up. So I girded myself for the compensatory slur.

"Libertarianism is simplicity itself," Lee continued.

It proceeds from a single, quite beautiful, concept of the primacy of individual liberty that, in turn, infuses notions of free markets, limited government and the importance of property rights. In terms of public policy, these notions translate into free trade, free immigration, voluntary military service and user fees instead of taxes. Sometimes these policies are argued in a totally unforgiving way so that it's not easy to separate the lunatics from the libertarians. But it's a snap to separate libertarians from conservatives.

Okay, not bad. I won't quibble that individual liberty is actually a derivative concept and not a primary. I'll also be grateful that for her lunatics and libertarians are separate categories, even if she occasionally can't tell them apart.

That last sentence, where she brings up conservatives, is the real beginning to the article. She notes that libertarians have a deeper appreciation of the free market than conservatives: it's not

just an economic system. But we can tell that she doesn't really know the nature of this appreciation, because her characterization of it is rendered in trivial terms: "It also allows each individual to express himself or herself."

But let that pass. Now she moves on to her main point. It is prefaced thus:

But perhaps the single distinguishing feature between conservatives and libertarians is that libertarians are concerned with individual rights and responsibilities over government — or community — rights and responsibilities.

Good point. She might have gone further, though. It's not just that libertarians have a predilection for individuals over governments and communities. It's that individuals are all there are. Governments and communities are groups of individuals; those terms simply denote regularized relationships (some good, some bad) among the constituent human beings. It would have been nice to say so, but let that go too. More juicy stuff awaits.

Libertarianism and moral principles

Her next point — the big one — comes out of the blue because it is in no way suggested by her point about the libertarian concern with individuals. Either Lee committed a non sequitur with malice aforethought or the piece was mangled in editing — something that cannot be ruled out in a newspaper column.

"Consider how conservatives and libertarians divide over cultural issues or social policy. Libertarians are not comfortable with normative questions." Their one and only ethical principle is self-ownership, she writes. "Libertarians do not concern themselves with questions of 'best behavior' in social or cultural matters."

Now here trouble commences. What is this about libertarians, in contrast to conservatives, being uncomfortable with normative questions? We'll return to this question presently.

Conservatives, Lee writes, love normative questions, and conservatism posits "absolute and enduring values [that] are not the result of the agnostic process of the free market.... Because conservatives assume that there is a recognizable standard of excellence, they deal easily with notions of virtue and moral behavior."

Using social policy with respect to marriage as her example, she goes on to claim that all libertarians care about is whether relationships are consensual. Otherwise, they have no position on whether one type of union is more virtuous than another. This explains why libertarians and conservatives talk past each other on cultural issues:

Conservative thought proceeds from absolutes, hierarchies and exclusivity. Libertarian thought promotes relativism and inclusiveness — although, admittedly, this tolerance comes from indifference to moral questions, not from a greater inborn talent to live-and-let-live. Conservatives favor tradition and communitarian solutions, and resort to central authority when it serves their purpose.

Libertarians value individual creativity and are invariably against central authority. It is, especially when contrasted with the conservative cultural matrix, a post-modern attitude.

Now I begin to lose patience with Susan Lee. Here's where she goes over the line: "This tolerance comes from indifference to moral questions, not from a greater inborn talent to live-and-let-live." Whether it is her or her editor's fault, you'll find not a shred of evidence to back up this rather serious charge. It would certainly surprise my libertarian friends who are Catholics, Protestants, Jews, Muslims, Aristotelians, Kantians, and Objectivists.

Ethics and law

But let's step back. When you tear away the husk of her thesis, you find that the kernel is the common mistake of conflating ethics and politics. These subjects overlap, but they do not coincide. They are two concentric circles, with ethics being the larger one. Ethics concerns itself with right and wrong, good and bad. Politics, as a branch of philosophy, concerns itself with when it is legitimate (if ever) for the state to use physical force. While all matters of politics are matters of ethics, the reverse is not the case. Many matters of ethics are outside of politics. Or, as Lysander Spooner titled one of his immortal essays, "Vices Are Not Crimes."

Lee misses this completely. She assumes, like most conservatives, that to be tolerant is to be agnostic. For her, if you do not wish your ethical philosophy to be taught at the tip of a nightstick you are a moral relativist. And if you wouldn't ring up the constable until someone actually disturbs the peace, you are a post-modernist. It seems not to have occurred to her that one can subscribe to a philosophy of objective values while also believing that, so long as people don't violate the rights of others, they should be free to arrive at their own ethical conclusions — *not* because of indifference but — yes — because of "a greater inborn talent to live-and-let-live."

To be charitable, I can almost see where Lee went wrong. Libertarians qua libertarians often sound like relativists. They have an inclination not to condemn peaceful behavior, however morally dubious. There's a good reason for this. Libertarians are among the last surviving advocates of the concentric-circle theory of ethics and politics. Most other people who commit their philosophies to paper believe that if they don't like something it should be verboten.

That is why many conservatives are restrained in their enthusiasm for the free market: freedom allows discretion beyond safe boundaries. In today's climate, condemnation is all too eagerly construed as wished-for prohibition. This is unfortunate, but that's how it is. I have no doubt that some libertarians are postmodernist ethical relativists. But maybe other libertarians would be more "judgmental" if nonlibertarians wouldn't assume that to make an ethical pronouncement is to favor its being drafted as a statute.

Lee doesn't redeem her serious error by turning it into a compliment: "Yet no matter how scary (or irritating), libertarian tolerance provides a more efficient mechanism in dealing with those places where economics, politics and culture clash so intimately." Here she is right, of course. Tolerance, as we should have learned with the end of the Europe's religious wars, is the key to the security and social cooperation that make life immeasurably easier and more pleasant. When how one worships, or whether one worships at all, became a private matter it didn't imply that the choice is arbitrary. It simply meant that religious decisions are no business of the force-wielding

state. All that libertarians ask is that other moral choices (aside from rights-violating action) be treated the same way.

*Sheldon Richman is senior fellow at The Future of Freedom Foundation, author of **Tethered Citizens: Time to Repeal the Welfare State**, and editor of [Ideas on Liberty](#) magazine.*

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