

Aristotelian Liberalism: An Inquiry into the Foundations of a Free and Flourishing Society

A Dissertation Research Proposal by
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Abstract: My dissertation seeks to build on the recent work of Douglas Rasmussen and Douglas Den Uyl in developing an Aristotelian liberalism. They argue that the right to liberty is a *metanormative* ethical principle necessary for protecting the possibility of self-direction, which is central to and necessary for all forms of eudaimonia (human flourishing, well-being, happiness). Contra Rasmussen and Den Uyl, however, it will be argued that rights are *also*, and more fundamentally, a set of interpersonal ethical principles the respecting of which is a necessary and constitutive part of eudaimonia. The dissertation will attempt to show that not only does a neo-Aristotelian philosophy provide (classical) liberalism with a sounder foundation, it also provides liberalism with the resources to answer traditional left-liberal, postmodern, communitarian and conservative challenges by avoiding some Enlightenment pitfalls that have plagued it since its inception: atomism, an a-historical and a-contextual view of human nature, license, excessive normative neutrality, the impoverishment of ethics and the trivialization of rights. It will be further argued, however, that there is still an excessive focus on the State and what it can and should do for us; and that the focus needs to return to the notion of politics as discourse and deliberation between equals in joint pursuit of eudaimonia and to what we *as members of society* can and should do for ourselves and each other. In order to fully answer left-liberal, postmodern, communitarian and conservative challenges it will be necessary to elucidate the ethical and cultural principles and institutions that are necessary for bringing about and maintaining a free society that promotes human flourishing, and this can be done without endangering liberalism's commitment to liberty and pluralism.

Freedom is, in truth, a *sacred* thing. There is only one thing else that better serves the name: that is virtue. But then what is virtue if not the *free* choice of what is good?

– Alexis de Tocqueville

The practical reason for freedom, then, is that freedom seems to be the only condition under which any kind of substantial moral fibre can be developed.

– Albert Jay Nock

The main purpose of this dissertation is to develop an Aristotelian form of (classical) liberalism. In doing so I will be building on a burgeoning tradition, the principal proponents of which include Douglas Rasmussen and Douglas Den Uyl, Roderick Long, Chris Matthew Sciabarra, Ayn Rand, Fred Miller, and Tibor Machan. In some areas I will be disagreeing with one or more of these thinkers and in other areas I will be extending Aristotelian liberalism

beyond their work. In the process I will also present and attempt to resolve a number of related aporiai faced by liberalism, particularly an Aristotelian liberalism.

How is Aristotelian liberalism different from the dominant strains of liberalism which all have their roots in the Enlightenment? This can only really be answered fully by describing the essential features and serious flaws of Enlightenment liberalism. This will be done shortly. But a few things can be said first. Aristotelian liberals hold that man's natural end is a life of *eudaimonia* (flourishing, well-being, happiness). They argue that virtue is constitutive of one's own flourishing but must be freely chosen to count as such. They disagree with social contract theorists, particularly Hobbes, in insisting that man is a profoundly social being. Nevertheless, they argue that individuals are ends-in-themselves and not means to the ends of others. Enlightenment liberals hold liberty to be the highest political good and defend it and free markets on various grounds, the two dominant ones being 1) natural rights or 2) consequentialist or utilitarian considerations (such as economic efficiency). While Aristotelian liberals take the natural rights approach, they differ with Enlightenment liberals on the ultimate grounding of these rights. Enlightenment liberals variously ground rights in self-ownership, some deontological theory of ethics, or God. Aristotelian liberals ground rights in the requirements of *eudaimonia* and virtue. This difference has crucial implications that enable Aristotelian liberalism to avoid the major flaws Enlightenment liberalism's critics have identified in it as well as some they have not. Among these advantages are that Aristotelian liberalism is concerned with more than considerations of political justice, rights, and liberty. It is able to recognize and account for the broader ethical and cultural foundations necessary in order to bring about and maintain a free and flourishing society.

Let me now highlight some important ways in which my account of Aristotelian liberalism differs from those of the above-mentioned Aristotelian liberals, including how it synthesizes some disagreements among them or goes beyond them. Douglas Rasmussen and Douglas Den Uyl, who have done the most to systematically develop Aristotelian liberalism, have developed an account of rights that I think is correct as far as it goes but is only partly so. Roderick Long has developed an account of rights that appears to be very different. I believe that his account too is correct, but is not the whole story either. The two accounts seem like incompatible alternatives, but in Chapter Two, “Eudaimonia, Virtue, and Liberty: A New Account of Rights,” I will show how they can be synthesized to produce a more complete account of rights.

Chapter Three, “Individual Autonomy and the Generic Goods and Virtues,” will further develop the account of human nature and flourishing introduced in the previous chapter, focusing first on individual autonomy and then on discussing on a general, theoretical level the various goods and virtues. The Aristotelian-liberal theory of individual autonomy will be my own original contribution. It recognizes that there are more subtle forms of coercion than physical force, as well as other issues, with which we must be concerned. The remaining discussion of the generic goods and virtues will be a synthesis of the ideas of Aristotle, Douglas Rasmussen, Douglas Den Uyl, Roderick Long, and Ayn Rand. There are aspects of the work of each of these individuals in this area that I find insufficient or incomplete. Moreover, a discussion of the generic goods and virtues will be a necessary and useful foundation for better understanding subsequent chapters.

Chapter Four, “The Cosmopolis and Its Institutions,” will attempt to develop and clarify an Aristotelian-liberal conception of society. Here I will explicitly critique the communitarian

conception. The communitarian conception of society has been criticized before, but the original contribution of my critique will lie in explicitly combining the positive social analysis of the Austrian economists (particularly Mises, Rothbard, and Hayek) with Aristotelian-liberal insights (both existing and my own). This chapter is necessary for answering communitarian criticisms of liberalism (the nature and importance of which will be highlighted below), for much of the disagreement hinges upon a differing conception of society, and to serve as a foundation for better understanding the chapters to follow. For politics, the market, and the state are all aspects of society, not external intrusions.

In Chapter Five, “Immanent Politics, Deliberative-Participatory Democracy, and the Pursuit of Eudaimonia,” I will criticize Enlightenment liberals, and even Aristotelian liberals Rasmussen and Den Uyl, for advocating a strict separation between politics and morality. My account of an explicitly non-statist, eudaimonist politics is to my knowledge unique, although it does receive its inspiration from several disparate sources: Aristotle, libertarian market anarchism, and the New Left. It will aim to show how politics and morality are intimately related but nevertheless that true politics presupposes liberty and so libertarians need not worry that this opens the door for state intervention. In Chapter Six, “Free Markets and Free Enterprise: Their Ethical and Cultural Foundations and Principles,” I will depart from most libertarian defenses of free markets, which are usually restricted to considerations of rights/freedom or economic efficiency, by also elucidating the moral principles expressed in various market activities, exploring the ethical and cultural foundations necessary for free markets, and making a case for the educative function of free markets in encouraging certain virtues and discouraging certain vices. Little has been done in any of these three areas, especially systematically, even by Aristotelian liberals. One possible exception of the latter is Ayn Rand, but Rand tends to focus

too much on an idealized picture of the capitalist-entrepreneur and does not sufficiently consider how truly free markets might be different from state-regulated capitalism.¹

Of the major Aristotelian liberals mentioned in the introductory paragraph, only Roderick Long would fully endorse the arguments I will make in Chapter Seven, “The State vs. Government and the Rule of Law.” With one possible exception the others are minarchists, that is, they favor a minimal state. Although Chris Matthew Sciabarra recognizes the moral and practical strength of market anarchist arguments, he has nevertheless expressed reservations about an apparent dualism in many libertarian defenses of market anarchism. I plan to write this chapter (and Chapters Four and Five) partly to address his worries and partly because I think some sort of account of alternatives to the state will be required as a positive attempt to buttress the criticisms of the state in previous chapters, particularly in light of the fact that much of the theoretical and historical literature I will be drawing upon in this chapter is largely unknown to mainstream academics. Moreover, most of this literature has not been produced by Aristotelian liberals, so the account provided in chapter seven will in part reconstruct some of the main arguments in light of Aristotelian liberal concerns.

Before discussing each of these chapters in more detail, it will be both necessary and useful to briefly discuss the essential aspects of Enlightenment liberalism as well as its critics and its flaws. In section three of his postscript of *The Constitution of Liberty*, “Why I Am Not a Conservative,” Friedrich Hayek wrote:

When I say the conservative lacks principles, I do not mean to suggest that he lacks moral conviction. The typical conservative is indeed usually a man of very strong moral convictions. What I mean is that he has no political principles which enable him to work with people whose moral values differ from his own for a

¹ Also, Ayn Rand would not appreciate being labeled a liberal or libertarian, primarily due to the popular movement in her eyes eschewing a full and fully rational philosophical foundation for liberty. She developed her own philosophy, which she called Objectivism (Existentialism already being taken). But nevertheless, I think it would be appropriate to include her within the ranks of Aristotelian liberals, broadly conceived.

political order in which both can obey their convictions. It is the recognition of such principles that permits the coexistence of different sets of values that makes it possible to build a peaceful society with a minimum of force.²

Rasmussen and Den Uyl have elaborated upon and emphasized this *differentia specifica* of liberalism identified by Hayek. They argue that liberalism is unique among political philosophies in having as a central concern “the problem of how to find an ethical basis for the overall political/legal structure of society,” namely one that recognizes the value of individual liberty and can accommodate moral pluralism and diversity.³ Rasmussen and Den Uyl claim that this problem should be the central problem of political philosophy, but call it “liberalism’s problem” because liberalism has been the only political tradition to recognize its fundamental importance.⁴ Liberalism’s solution to this problem is the natural right to liberty and its logical corollaries, of which more will be said later. Liberalism shows us how diverse moral value systems can be ethically compossible both within and between societies.

However, many critics and even some defenders of liberalism claim that liberalism is currently in crisis, if not already breathing its last. Rasmussen and Den Uyl have distilled three types of criticism faced by liberalism. The first type is comprised of criticisms “that see the essential character of liberalism as the political expression of principles derived from the Enlightenment. The failures of the Enlightenment are thus the failures of liberalism, so criticisms of the Enlightenment are also criticisms of liberalism.”⁵ Criticisms of this type have been made by John Gray, Charles Taylor, and Alasdair MacIntyre, among others.

Although Rasmussen and Den Uyl do not say this explicitly, the first critique is often a component of the second, the communitarian critique, and even sometimes of the third, the

² Hayek (1978).

³ Rasmussen and Den Uyl (2005), p. 1. Moral pluralism and diversity do not necessarily imply moral relativism, subjectivism, or skepticism.

⁴ Ibid., pp. 1-3, 78 n. 1.

⁵ Ibid., p. 6.

conservative critique. Communitarianism and some forms of conservatism are postmodern reactions against the excesses of the Enlightenment, but it is nevertheless useful to distinguish the postmodern critique. This sort of critique also comes both from within and without liberalism, as some liberals hold that moral relativism or moral skepticism are the only safe foundations for liberalism. Characteristic of the postmodern type of critique is a distrust of metaphysics, a denial of Objective Truth, an aversion to philosophical systems, and a wariness of anything that smacks of connection to totalitarianism. The metaphysical and epistemological aspects of the postmodern objection will in large part be dealt with in the third section of my introductory chapter (see below), while the rest of the dissertation will show that a consistent, rights-oriented Aristotelian liberalism cannot in any way be linked with totalitarianism. Liberty, diversity, and pluralism are not endangered by a rights-oriented Aristotelian liberalism.

The second type “are more directly criticisms of liberalism” and these usually come from the postliberal view (or more accurately, views) of communitarianism.⁶ The aforementioned scholars as well as Michael Sandel, Michael Walzer, and Roberto Unger can be included in this category of criticisms.

These thinkers mainly attack the individual-rights-based orientation of liberalism in favor of community procedures. At the foundational level the autonomous rights-bearing individual is rejected and replaced with individuals more fully formed by, and integrated with, the communities in which they live and act. Indeed, liberalism is accused of directly undermining communities as well as being inadequate to their formation.⁷

In my dissertation I will argue that while communitarian criticisms of liberalism sometimes hit home, they do not always do so, nor when they do hit home do they strike with equal force on every version of liberalism. Communitarians typically attack liberalism as if it were some

⁶ Ibid. Although some of the aforementioned and about to be mentioned thinkers are uncomfortable with the label communitarian, they do seem to fit at least partly within this category.

⁷ Ibid., pp. 6-7.

monolithic political philosophy, but in reality there are many different kinds of liberalisms, perhaps as many as there are liberals. Not all forms of liberalism are rights-oriented, for example, as has been noted; many liberals defend liberalism solely on consequentialist or utilitarian grounds. Ultimately, however, postmodern and communitarian critiques have shown some liberals the need to find a new philosophical foundation for liberalism. This is, I think, the impetus behind Aristotelian liberalism. In the final analysis, however, I will argue in my dissertation in favor of a new form of liberalism rather than side with communitarianism or postmodernism, for reasons discussed below.

“Finally, there are a host of ‘conservative’ sources of criticism of liberalism ranging from natural law theorists, to ‘Straussians’, to so-called Southern agrarians...[A]ll three of these forms of [conservative] criticism share in the rejection of liberalism’s alleged adherence to atomism, instrumentalism, individualism, [ethical] neutralism, subjectivism, skepticism, and the like.”⁸ Some of these criticisms have already been touched upon and will be addressed again in the discussion on my introductory chapter below. However, two are worth a closer look: instrumentalism and ethical neutralism. These criticisms are shared by communitarians as well and they are linked to an almost exclusionary focus on economic, particularly mainstream economic, and rights/freedom-oriented defenses of liberalism. Ethical considerations beyond material prosperity and/or rights/freedom are all too frequently ignored by liberals, whether because they are deemed outside the purview of liberalism or because the liberal wants to avoid the appearance of playing the moralist or because the liberal honestly believes in moral subjectivism or skepticism or hedonism. Whatever the reason, the result in the eyes of liberalism’s critics and in practice is the impoverishment of ethics and the instrumentalization of non-market aspects of society.

⁸ Ibid., p. 7.

Communitarian critics often argue that rights-oriented liberalism privileges the right over the good. Liberalism assumes, according to Michael Sandel, “that government should be neutral among competing conceptions of the good life.”⁹ It is certainly true that liberals hold that no one, including governments, should threaten or use initiatory physical force in order impose their own particular conceptions of the good life on others. To do so would be to bias the structure of the political/legal order in favor of particular forms of flourishing, and necessarily against others. But it is not necessarily implied by this ethical constraint on force that everyone should remain neutral on the good. It is not a necessary feature of liberalism that there should be an exclusive focus on justice, liberty, or rights. It is also not a necessary feature of liberalism to privilege the right over the good. As will be discussed in greater detail below, Aristotelian liberalism does not. That there has over time been an increasingly exclusive focus on justice/rights and a privileging of the right over the good can, I think, be blamed on Enlightenment and post-Enlightenment ethical theory, the leftist-statist turn in liberalism, an excessive focus on the state and what it can and should do for us, and the popularity of Kant and Rawls.

To the above three main types or sources of criticism I would also add a fourth: contemporary left-liberals are generally critical of the politico-economic policies advocated by contemporary classical liberals (nowadays usually labeled libertarians), particularly the latter’s strict stance on negative liberty and limited government that rules out social welfare policies and environmental and economic regulations. This is in comparison an internal criticism. With Hayek I take the main disagreement between left-liberals and classical liberals to be over means rather than ends, but I do not plan to attempt a *systematic* defense of classical liberalism at the level of economic theory and history. There is already a vast literature in this vein and I will be

⁹ Sandel (2005), p. 212.

assuming in this dissertation that states and markets operate essentially in the manner described by free market economists, particularly those of the Austrian School and also to a lesser extent the Public Choice and Chicago Schools. It bears pointing out, however, that it is to left-liberalism that the lion's share of responsibility for the impoverishment of ethics belongs through its insistence on identifying all social problems as issues of political justice. The resulting proliferation and trivialization of rights has a necessarily impoverishing effect on the rest of ethics.

Although this trend of left-liberalism did not start with Rawls, he was the first to formally develop an explicitly political liberalism. In following Kant in privileging the right over the good and restricting liberalism to considerations of justice (the right) narrowly conceived, Rawls exacerbated the already existing tendency within liberalism and left-liberalism to focus on justice/rights and consequently to impoverish ethics and trivialize rights. Classical liberalism/libertarianism avoids the left-liberal trivialization of rights problem by recognizing the nature and special function of rights. However, even it has been adversely influenced by Rawls's restriction of liberalism to considerations of political justice.

Kukathas and Pettit credit Rawls with the revival of political theory in the third quarter of the twentieth century.¹⁰ They cite Isaiah Berlin's harsh judgment in 1962, "No commanding work of political theory has appeared in the 20th century,"¹¹ and point to the academic institutionalization of the false fact-value dichotomy and scientism as the reason. By mid-century political theory had withered to the mere study of the history of political thought and the analytical analysis of groundless values. *A Theory of Justice*, published in 1971, was the long-

¹⁰ Kukathas and Pettit (1990), pp. 5-6.

¹¹ Quoted in *ibid.*, p. 1.

awaited commanding work.¹² However, while the book did perhaps contribute somewhat to the revival of political theory in terms of revitalizing the discipline, although it could be argued that political theory is still marginalized in political science departments and is being driven out of them into philosophy departments, it has already been noted that in my view it took political philosophy down a wrong turn. Fortunately, some Rawlsians are starting to correct for this detour; classical liberal John Tomasi, for example, has recently written a book titled *Liberalism Beyond Justice*. For reasons discussed below and in more detail in my dissertation, these efforts are still plagued by their roots in Kantian/Rawlsian deontology. Even Aristotelian liberals Rasmussen and Den Uyl insist in Rawlsian fashion on a strict separation between politics and morality, and a number of prominent libertarians I know insist that libertarianism is merely a political philosophy in the narrow sense of being solely concerned with justice, rights, and liberty (e.g., Walter Block).

In light of the foregoing, my dissertation will have to perform three related tasks. It will have to develop a version of liberalism that is not vulnerable to familiar postmodern, communitarian, conservative and left-liberal challenges. It will have to make the case for the viability and superiority of an Aristotelian form of liberalism. And it will have to answer likely libertarian criticisms of this move. All three of these tasks can be carried out simultaneously in most cases.

My current working outline for the dissertation projects eight chapters, including an introduction and a conclusion. Chapter One, the Introduction, will do three things in brief: 1) set forth the aporiai or theoretical difficulties faced by liberalism, particularly an Aristotelian liberalism, that the dissertation will seek to transcend, including the challenges presented by postmoderns, communitarians, conservatives and left-liberals; 2) critique major theories of and

¹² Ibid., pp. 1-6.

types of arguments for liberalism; and 3) attempt to clarify some of the metaphysical, epistemological and methodological presuppositions of the arguments to follow.

In the second part of the introduction, that critiquing major theories of and arguments for liberalism, I cannot offer definitive arguments. That would require another dissertation in itself. Rather, my arguments will be suggestive of their deficiencies and how Aristotelian liberalism avoids these. I will discuss the incompleteness and shallowness of purely consequentialist defenses of liberalism. In particular, I will touch on the theoretical and practical impossibility of meaningful utilitarian calculus. Deontological defenses of liberalism (such as those of Kant and Rawls) will also be taken to task, but as excessively rigid and abstract. Deontic ethical theories privilege the right over the good, exclude consequences from consideration, and ignore the particular and contingent. A neo-Aristotelian theory of virtue ethics and natural rights does not privilege the right over the good, indeed rejects the modern radical separation of these concepts, holds particular and contingent facts to be vitally important to ethics, and is able to take consequences into consideration without subjecting the good and the right wholly to such estimations. A neo-Aristotelian theory of virtue ethics and natural rights, it will be argued, possesses the best features of consequentialism and deontology without their weaknesses and without being reducible to either. I will also argue that such a neo-Aristotelian theory is superior to Randy Barnett's complementarity approach, which proposes to use deontology and consequentialism together as complimentary and contrasting tools of analysis. Barnett's approach still leaves us with two flawed theories and leaves open a number of questions, such as which type of consideration (deontic or consequentialist) trumps the other, when, and why. I can think of no non-arbitrary answers to these questions under this approach.

In this section I will also critique state-of-nature theorizing and social contract theory. As well, I will argue that the self-ownership principle that is the foundation of Lockean and Rothbardian liberalism, while true, is not basic and therefore cannot be taken as one's starting point in a theory of natural rights. And I will briefly discuss the incompleteness and weaknesses of a new defense of liberalism based on Habermas' discourse ethics. Austrian economist Hans-Hermann Hoppe, a student of Habermas, has developed what he calls argumentation ethics in which he argues that the denial of libertarian self-ownership and property rights involves a performative contradiction because the very act of argumentation presupposes those rights as an ethical requirement of rational discourse. But I will argue that Hoppe's approach begs a number of important questions and, while attractive, is only viable within a broader philosophical framework, such as Aristotelian liberalism. Finally, I will return to the poverty of merely political (or 'thin') theories of liberalism, such as those of Rawls and Rothbard and the "plumb-line libertarianism" of some of Rothbard's followers such as Walter Block. Some of Rothbard's followers, like Block, start from what they call the non-aggression axiom. But this is philosophically unsatisfactory; a non-aggression principle is a conclusion, not a starting point. Merely political liberalisms suffer to varying degrees from an impoverished view of human nature, the impoverishment of ethics and/or trivialization of rights, the need for a broader ethical framework to ground rights and apply them in practice, and the need for a broader ethical and social theory to bring about and maintain a free and flourishing society.

In the final section of the introduction I will briefly discuss some metaphysical, epistemological and methodological issues. My reason for doing so is to clarify certain presuppositions of the account of Aristotelian liberalism to follow. I hope that this will help to

answer some postmodern worries, to point out some crucial differences between Aristotelian liberalism and its challengers, and to avoid unnecessary confusion based on these differences.

My account of Aristotelian liberalism is distinguished by its combined praxeological and dialectical analysis. Praxeology is the general science of human action, the distinctive method of the Austrian school of economics. It is an ontological discipline that undertakes “the formal [or conceptual] analysis of human action in all of its aspects.”¹³ It is, I think, the proper foundation for economics (its most developed branch) as well as ethics and epistemology.¹⁴ Praxeology’s internally related counterpart and compliment is the thymological method of understanding (*verstehen*; or hermeneutical psychology).¹⁵ Austrian economics, unlike classical and neoclassical economics, is not primarily concerned with wealth, with the fabrication of *things*, and comparison of static states. Rather, it is concerned with the meaning of human action, the pursuit of ends with scarce means, and the market as a process. In other words, its subject is *homo agens* not *homo economicus*.

Praxeology presupposes metaphysical and methodological individualism, both of which are features of Aristotelian philosophy. Hence, I will have to briefly explicate an Austro-Aristotelian-Randian account of metaphysics and epistemology. A quotation from Eduard Zeller should suffice for now as a synopsis of my metaphysical, epistemological, ethical and political claims, although I will disagree with a point or two:

In this [Aristotle’s] opposition to the Platonic socialism we shall not only recognize Aristotle’s practical sense, his clear insight into the laws and conditions of actual life, his aversion to all ethical onesidedness and his deep knowledge of human nature and of social life, but we shall not fail to observe that here, as in Plato, the political views are closely connected with the principles of the

¹³ Rothbard (2004), p. 299.

¹⁴ See <<http://www.praxeology.net/praxeo.htm>>.

¹⁵ Mises coined the term ‘thymology’ from the Greek *θυμός*, “which Homer and other authors refer to as the seat of the emotions and as the mental faculty of the living body by means of which thinking, willing, and feeling are conducted” (1957: 265-266 n. 1).

metaphysical system. Plato had demanded the abolition of all private possession and the suppression of all individual interests, because it is only in the Idea or Universal that he acknowledges any title to true reality. Aristotle refuses to follow him here. To him the Individual is the primary reality, and has the first claim to recognition. In his metaphysics individual things are regarded, not as the mere shadows of the idea, but as independent realities; universal conceptions not as independent substances, but as the expression for the common peculiarity of a number of individuals. Similarly in his moral philosophy he transfers the ultimate end of human action and social institutions from the State to the individual, and looks for its attainment in his free self-development. The highest aim of the State consists in the happiness of its citizens. The good of the whole rests upon the good of the citizens who compose it. In like manner must the action by which it is to be attained proceed from the individual of his own free will. It is only from within through culture and education, and not by compulsory institutions, that the unity of the State can be secured. In politics as in metaphysics the central point with Plato is the Universal, with Aristotle the Individual. The former demands that the whole should realize its ends without regard to the interests of individuals: the latter that it should be reared upon the satisfaction of all individual interests that have a true title to be regarded.¹⁶

The moderate individualism of Aristotle and praxeology cannot be construed as atomistic and does not preclude nonreductionist analysis of society, culture, markets and states, etc.

Nonetheless, it is human beings who act, not society; individuals exist within society for their own sakes, not for the sake of society or the state; and they are not wholly determined by the society in which they happen to be born.

By dialectics I do not mean Hegelian, of course, but Aristotelian. Chris Matthew Sciabarra, a former doctoral student of the well-known dialectical Marxist Bertell Ollman, but himself a dialectical libertarian, defines dialectics as a methodological “orientation toward contextual analysis of the systemic and dynamic relations of components within a totality.”¹⁷ In short, it is the art of context-keeping. Sciabarra argues that Ayn Rand was a dialectical thinker who analyzed social phenomena on three conceptually distinct but interrelated levels of generality, which he reconstructs as: 1) the personal (psycho-epistemological, ethical), 2) the

¹⁶ Zeller (1897), Vol. II, pp. 224-226.

¹⁷ Sciabarra (2000), p. 173. There is an element of Aristotelian dialectics in Hegel but it is unfortunately distorted by Hegel’s extreme organicism and dualism.

cultural (linguistic, ideological), and 3) the structural (economic, political). As one example in which I will be using such dialectical analysis, Sciabarra's work on dialectical social analysis inspired my synthesis of the two different accounts of rights provided by Rasmussen and Den Uyl on the one hand and Long on the other (see the discussion of chapter two below).

Chapter Two, "Eudaimonia, Virtue, and Liberty: A New Account of Rights," will be the central chapter of my dissertation. In it I will draw heavily on the account of *eudaimonia*, or human flourishing, developed by Douglas Rasmussen and Douglas Den Uyl. They argue that human flourishing has six basic and interrelated features: it is 1) objective, 2) inclusive, 3) individualized, 4) agent-relative, 5) self-directed, and 6) social. Human flourishing includes but is not limited to such generic goods as virtue, liberty, health and wealth. I will then synthesize the two different accounts of rights held by Rasmussen/Den Uyl and Long. At the structural level of analysis, the level of political and legal theory, the right to liberty is a *metanormative* ethical principle that protects the possibility of self-direction, which is central to and necessary for all forms of human flourishing, and as such does not bias the structure of the political/legal order in favor of any form of human flourishing (Rasmussen/Den Uyl). At the personal level of analysis, the level of ethical theory, the right to liberty is an interpersonal ethical principle derived from the demands of our own *eudaimonia*, particularly the virtue of justice: rights-respecting behavior is a necessary and constitutive part of our own well-being (Long). In order to live a life proper to a rational animal and to ourselves we ought not to threaten or use initiatory physical force against others but rather deal with them on a voluntary basis through reason, discourse, persuasion and cooperation except when necessary to protect our right to liberty.¹⁸ No form of *eudaimonia* truly worthy of the name will advocate the threat or use of initiatory physical force.

¹⁸ See Long (1994/95, 2000).

This chapter will also discuss other issues related to the right to liberty, such as its logical corollaries. One such corollary is the right to private property without which the right to liberty is meaningless. The right to liberty and the right to property are really aspects of the same thing. Additionally, I will discuss such subjects as the relationship between rights and the law, whether rights trump other ethical considerations or rather define what cannot count as moral (i.e., what is absolutely immoral) in a social context, whether liberty or eudaimonia is the highest political good, and how grounding natural rights in a eudaimonistic theory of virtue ethics avoids both the impoverishment of ethics and the trivialization of rights that currently plagues liberalism.

Chapter Three, “Individual Autonomy and the Generic Goods and Virtues,” will provide greater specificity to the account of human flourishing, with particular emphasis on the social and personal dimensions of individual autonomy as well as the generic goods and virtues that are expressions and constitutive of human flourishing. Aristotelian liberalism recognizes that there are more subtle forms of coercion than the threat or use of physical force, but nevertheless holds that these cannot be ethically or practically combated by violating the rights of others. The importance of being clear on the proper role of theoretical and practical considerations will be discussed as well as the difference in nature and function between ethics and law. The discussion of the generic goods and virtues is one area in which I will be going beyond Rasmussen and Den Uyl, for while they briefly mention some of the generic goods and virtues they never go into much detail on them. I think a deeper analysis is necessary in order to elucidate the ethical and cultural foundations necessary for bringing about and maintaining a free and flourishing society. This chapter will lay the groundwork for that task, while subsequent chapters will attempt to carry it out in several key areas.

Chapter Four, “The Cosmopolis and Its Institutions,” will further clarify the nature of society. Against the communitarian conception of society will be posited an Aristotelian-liberal conception of the Great Society (or Global Society), its major institutions, and its myriad levels of overlapping associations, communities and organizations. It will be argued that the communitarian conception of society is more Platonic than Aristotelian, despite the claims of many communitarians of being neo-Aristotelians. While some communitarian criticisms of liberalism have hit home to varying degrees, communitarians have been unable to provide alternatives that are clearly defensible and avoid the specters of paternalism and totalitarianism. I will briefly discuss politics, the market and the state as each being aspects or components of and internal to society: neither ought they be the whole of it, nor are they external to it. In the process I will also discuss the nature of the private and public spheres, friendship, and the family.

Chapter Five, “Immanent Politics, Deliberative-Participatory Democracy, and the Pursuit of Eudaimonia,” is the second most important and perhaps the most innovative. In it I will attempt to develop an explicitly non-statist, eudaimonist account of politics and democracy based on an Aristotelian-liberal theory of virtue ethics and natural rights. The state will be taken to task as a problematic, and indeed anti-social, institution. The above conceptions of *eudaimonia* and the right to liberty will be deployed in a critique of the state. Here I will follow Albert Jay Nock’s distinction between government and the state.¹⁹ On this view, government is an institution or set of institutions that are truly voluntary and rights-respecting and protecting; the state, by contrast, claims a territorial monopoly on the legal use of force and ultimate decision-making. It will be argued that the right to liberty is inalienable and therefore slavery contracts are illegitimate. It will be further argued that for the same reasons so too is the state. The

¹⁹ Nock (2001), pp. 45-48.

master/state accepts or claims the power of arbitrary dominion over the slave/subject, a power that the master/state cannot rightfully exercise and the slave/subject cannot rightfully grant.

It will then be argued that the essential characteristic and primary purpose of politics is the joint pursuit of *eudaimonia* – specifically, politics is discourse and deliberation between equals in joint pursuit of *eudaimonia*. The particular institutions within which politics is conducted vary, but there are at least two conditions necessary for politics to take place: direct participation and individual liberty. Politics ceases to be immanent, and becomes increasingly vicarious until it is nonexistent or is replaced by despotic rule, under at least two conditions: 1) the extent that it is conducted only by representatives and 2) the extent that rights-violating behavior (the threat or use of initiatory physical force) pervades the relationship. Much of what passes for politics in modern states takes place only among representatives and involves rights-violating behavior or policies. Thus politics, an important means of pursuing *eudaimonia*, is highly vicarious in even the freest of modern states. Moreover, the tendency among liberals to limit liberalism and politics to considerations of justice narrowly conceived, and to radically separate politics and morality, is misguided – for politics presupposes liberty, and the right to liberty precludes the threat or use of initiatory physical force. Political-democratic-civic debate over our responsibilities to ourselves and each other can only truly take place within the context of individual liberty. As Lavoie and Chamlee-Wright point out:

To do away with the principle of voluntary action, no matter how worthy the end, is to annihilate freedom and to institute slavery. When the challenge of social responsibility is made in the arena of civic debate, this is no longer a problem, as any action taken in response to those claims would be voluntary.²⁰

²⁰ Lavoie and Chamlee-Wright (2000), p. 116.

Statist policies such as wealth redistribution, economic regulation and morals legislation are all unjust in this view; liberty and pluralism are not threatened by Aristotelian liberalism's more robust conceptions of ethics and politics.

From the foregoing, it will be argued that immanent politics, deliberative-participatory democracy,²¹ and the flourishing of spontaneous voluntary associations à la Tocqueville's America are necessary for and conducive toward human flourishing, whereas a reliance on the institutions of the representative welfare-warfare state is not. My conception of immanent politics transcends the false dichotomy between ancient liberty, which consists primarily in direct political participation, and modern liberty, which consists primarily of an individual's rights over and against society.²² Liberals need not give up direct political participation as an important part of liberty. Indeed, excessive division of labor and centralization in politics and security production, which is encouraged by representative government in an extended republic, will serve to undermine the conditions necessary for the safeguarding and flourishing of liberty. Representative government, especially in a territorially extensive country, promotes a politically inactive and submissive citizenry, the growth of a professional political class (*state's men*) and encourages the use of statist solutions to problems that should be solved by private initiative and voluntary cooperation. And majoritarian democracy is a collectivist form of governance that leads to the tyranny of the majority over the minority despite constitutional safeguards.²³ Thus, by rejecting the state and shifting the locus of politics, my account of politics and democracy accommodates, without giving entirely into, communitarian concerns about civic participation and community procedures in a way that minarchist Aristotelian liberals (Rasmussen, Den Uyl,

²¹ Participatory democracy is an idea drawn from the New Left; see Long (1969) and Teodori (1969).

²² See Constant (1988).

²³ On the problems of excessive division of labor in politics and security production, see Ferguson (1995), pp. 32, 58-59, 146, 149, 173, 207.

Rand, etc.) cannot and it does so without compromising liberalism's commitment to liberty, pluralism and diversity.

Chapter Six, "Free Markets and Free Enterprise: Their Ethical and Cultural Foundations and Principles," as the title suggests, will attempt to elucidate not only the ethical and cultural institutions and principles embodied in free markets and free enterprise as well as how free markets encourage certain virtues and discourage certain vices. It will also explore some of the ethical and cultural foundations *necessary for their existence*. Early in the chapter I will highlight the fundamental difference between mainstream neoclassical economics and Austrian economics in terms of philosophical foundations and methodology. The common criticisms of economics and free markets discussed above are valid when applied to mainstream economics but completely miss their mark if applied to Austrian economics. In the chapter I will briefly go over just enough positive economic theory to undertake the abovementioned normative tasks. I will discuss production, consumption and exchange; the role of the entrepreneur, profit, and competition; the business firm (in which I will critique the stakeholder literature in the field of business ethics); the active consumer (now recognized as such even by the field of culture studies); the distribution of wealth; and the negative effects of the state and state intervention in the market on morality and culture. A sharp distinction will of course be made between state-regulated capitalism and the free market.

Chapter Seven, "The State vs. Government and the Rule of Law," will examine the nature and actual activities of states in more detail. It will be argued that states naturally develop into Leviathan as they increasingly take over, distort and stifle the functions of other institutions in society with the proliferation and growing energy and scope of their tax, regulatory, welfare and warfare policies. Both theoretical and historical alternatives to the state for the provision of law

as well as legal, security and welfare services will be explored. There is a large and growing body of literature on this subject, some of which are included in the bibliography below. Among the arguments that I will make will be the Hayekian distinction between law and legislation; the superiority of customary law, which precedes legislation historically, in delivering justice, in safeguarding liberty, and in education; the superiority of polycentric legal systems over monocentric ones; and that the aforementioned goods and services can be provided on a voluntary basis, cooperatively by associations in society, and competitively on the market.

Finally, Chapter Eight, the Conclusion, will revisit the aporiai discussed in the introduction and summarize how they have been resolved. Additionally, the conclusion will address the possible objections by critics that the account of Aristotelian liberalism presented is utopian and, by Voegelinians in particular, that it is Gnostic.

Below is a working outline of my dissertation with target dates for the completion of each chapter. The dates are projected to provide generous time to do research for each chapter, write a rough draft, and to collaborate with my dissertation adviser on revisions and editing. The order of the projected completion of each chapter may appear somewhat odd. I already have partial rough drafts of chapters two, three and six. I also have material from a paper written during my summer research fellowship at the Ludwig von Mises Institute last summer that I think I can adapt and include as part of chapter seven. In addition to working on my dissertation, I also plan to spend some of the time from now until I graduate getting as many papers published as possible in order to improve my chances on the job market. I have a number of papers that I can submit for publication after some editing and final revisions.

Working Outline and Projected Completion Dates

I.	Introduction	December 31, 2007
II.	Eudaimonia, Virtue, and Liberty: A New Account of Rights	April 30, 2007
III.	Individual Autonomy and the Generic Goods and Virtues	May 31, 2007
IV.	The Cosmopolis and Its Institutions	October 31, 2007
V.	Immanent Politics, Deliberative-Participatory Democracy, and the Pursuit of Eudaimonia	August 31, 2007
VI.	Free Markets and Free Enterprise: Their Ethical and Cultural Foundations and Principles	June 30, 2007
VII.	The State vs. Government and the Rule of Law	November 30, 2007
VIII.	Conclusion	January 31, 2008
	Final Revisions and Editing	February 29, 2008
	Dissertation Defense	March 2008
	Submission to the Graduate School	April 11, 2008
	Graduation	May 2008

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