

Guest Editors' Preface

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When thirty years ago, in 1974, Robert Nozick's *Anarchy, State, and Utopia* (1) was first released, "Libertarianism" was a word scarcely used in the political discourse. Nozick's book came as an unexpected answer to John Rawls' ground-breaking *A Theory of Justice*, (2) a work that was to re-shape the landscape of contemporary political philosophy. (3) Nozick's work bestowed new philosophical dignity upon a set of ideas that was not "new" in any meaningful sense; though Libertarianism as a political movement emerged in the United States of America precisely during the Seventies, heralded by Nozick's *Anarchy, State, and Utopia* as well as by Murray N. Rothbard's *For a New Liberty*, (4) with the unforgettable subtitle "A Libertarian Manifesto", (5) those principles to which libertarians gained a new life had long been dancing on the stage of history. What's truly peculiar to the most recent development is the rejection of the legitimacy of an even "minimal" government (*vis-à-vis* the Nozickian solution). It is often difficult to distinguish between "Libertarianism" and "Classical Liberalism". Those two labels are used almost interchangeably by those who we may call libertarians of a "minarchist" persuasion: scholars who, following Locke and Nozick, believe a State is needed in order to achieve effective protection of property rights. (6) Alas, often those who follow Nozick's footsteps when proposing an "ultra-minimal" state end up in what we may dare calling a theoretical *impasse*; to those who believe there is a need for government – but share a fundamental distrust of political power, we may suggest that what's needed is a "voluntarily financed" form of government. (7) Machan speaks of the possibility of "the institution of government but with no coercive

powers”, considering government with the monopoly of force as a “natural monopoly”.

The monopoly being considered in this context could well be necessary yet not coercive. It does not mean that there can only be one government in the world but that in any reasonably sized homogeneous geographical area, only one such institution makes sense. This is arguable in view of the kind of service government (or call it what you will, say, legal authority) is to deliver to citizens, its customers), just as some other providers would have a monopoly, at least over some period of time (e.g., an airline, while you are traveling, an apartment house, a gated community). (8)

Machan does not go as far as explaining how it could be possible to have a *government* without *taxation* (turning taxation into voluntary fees isn't an easy accomplishment, even for a distinguished philosopher) and, generally speaking, *coercion*, the peculiar activity that distinguishes government from any other agency in society.

Interestingly, Carlo Lottieri reverses this very argument in his essay included in the present issue of *Etica & Politica / Ethics & Politics*. Lottieri, following Rothbard, (9) Leoni, (10) and Salin, (11) argues for the legitimacy of many so-called “monopolistic practices” (cartels, monopolization, mergers, predatory pricing...), and for the legitimacy of conglomerates, and big business at large, *vis-à-vis* those governmental agencies built to thoroughly implement “competition” from top to bottom. (12) Thus, Lottieri compares private and legal monopolies. The latter have long been the *bête noire* of classical liberals who have always – to mention but one example – opposed protectionist measures that favored special interests. Government, being per se the source of legal protections, cannot be equated with private sector's so-called “monopolies”.

These first remarks can bring us to evaluate, however briefly, what constitutes the *trait-d'union* between “Minarchism” and “Anarcho-capitalism” – that is, between the tradition that accepts – however minimal – government, and the tradition that rejects it within the boundaries of libertarian thought.

What is shared is, in our opinion, the *libertarian* theory of justice: a *distribution* of goods, assets and talents in society is legitimate and should be lawful insofar as it is the (provisional) last ring in a chain of legitimate acts. “A distribution is just if everyone is entitled to the holdings they possess under the distribution”. (13)

Libertarianism is a theory of distributive justice, historical and deontological, whereas dominant contemporary theories (such as Rawlsian “liberalism”) are patterned theories evaluating distribution by different criteria than its legitimacy in terms of historical lawfulness as a chain of legitimate (non-aggressive) acts, and rest upon this or that particular set of egalitarian principles. To take advantage of a useful distinction developed by Anthony de Jasay, contemporary “liberal” theories of justice are best

summarized by the principle “to each, according to ...” (his/her race, his/her merits, his/her gender, his/her social class, etcetera); whereas libertarianism sticks with the maxim “*suum cuique*” (14) – give to anyone what is due to him: that is, what he legitimately acquired by inventing, discovering (i.e., appropriating), or voluntarily exchanging property.

The distinct value of Libertarianism, in the realm of contemporary theories of justice, is exactly to cast light on the process by which a given distribution is put in place, to the value of entitlements, rather than on the attractiveness of a particular social output. A persuasive comment by Jasay on Brian Barry is ironically entitled “Slicing the Cake Nobody Backed”: (15) we often hear opinionated debates on how the “cake” (as if wealth in the world existed but in a given proportion, and isn’t created but merely distributed) should be sliced, but seldom people deal with the process of backing the cake itself.

Libertarianism, in a nutshell, is all about the backing. (16)

Anarchists and miniarchists, sharing a common theory of justice, fundamentally disagree on the conditions under which property could be protected best.

The protection of property is what anarchists emphasize: legitimate distribution should not suffer any kind of interference by an ultimate decision maker, even if the use of coercion is strictly limited. No matter how limited, it is *illegitimate*. But here comes the issue of law and order: should law be imposed as legislation upon a market (a society), or is it an output of claims and interactions within a market (a society) on its own right? And if we accept the second option, could the state be conceived as the enforcer of laws that it didn’t produce?

Since Nozick’s opus magnum was published, libertarians engaged in different theoretical debates, supplying many insights thanks to a fairly relevant number of scholars. The first issue of the *Journal of Libertarian Studies* debated and debunked the first part of *Anarchy, State, and Utopia*, building on the theoretical consistency of the anarchist option. (17) Murray Rothbard’s and, more recently, Bruce Benson’s and Hans-Hermann Hoppe’s works on the private production of defense (18) made anarchy a much more attractive scenario. The existence of public goods and the necessity for their public provision have been questioned in a number of relevant works. (19) Philosophers such as Jan Narveson developed a consistent libertarian approach that is not strictly based on Natural Rights as understood by theorists of “Lockean rights” such as Nozick and Rothbard. (20) The issue of Natural Law and Natural Rights among libertarians has been largely debated, and a philosopher as prominent as Henry B. Veatch admitted that his interest in this field was prompted exactly by these disputes. (21) Perhaps, most important of all, libertarians can count in their ranks a philosopher as original as Anthony de Jasay, who has given many priceless insights: on the emergence of conventions and, most notably, on the respect

for property in a stateless society, on the problem of public goods, and on the feasibility of constitutionalism. (22)

This last point is of the greatest importance. Libertarianism is often accused to be “utopian”, “politically unfeasible” (and so what?... We are tempted to say: political feasibility is merely contingent, and it doesn’t say much about the value of a theory), even “constructivist”. (23) The truth is rather the opposite: libertarian scholars in the no-government tradition merely apply the assumption of self-interest to government relationships. In that regard, it is worth noting that the most consistent approach to libertarianism has been developed in a stringent critique of so called “public choice” and “constitutional economics”. (24) Libertarianism is indeed based on a realist anthropology, which assumes fallibility, imperfection, and self-interest, and *therefore* rejects government: because people in government are as far from being angels as anyone is.

Anarcho-capitalism bases most of its attractiveness on the fact that the “minimal state”, if ever existed, never remained “minimal”, but always grew larger. For the assumption of self-interest, government officials will always try to maximize their utility as anyone else. If so, keeping a state “small” is like trying to straighten the crooked wood of humanity.

But debates among libertarians do not concern only the crucial theoretical question (should we be governed?) of political philosophy. Libertarians have debated on intellectual property, contracts, banking, and on many other issues. This is a grand proof of how lively this movement of ideas is, especially in the United States but – at least at an academic level – in Europe as well.

This issue of *Etica & Politica / Ethics & Politics* aims to provide the reader with a glimpse of all these sparkling debates.

Jan Narveson defends the prospects of a stateless society *vis-à-vis* a minimal state, providing a new perspective on a hoary debate. Frank Van Dun explains the relevancy of natural law for anarcho-capitalism. Hardy Bouillon examines competing definitions of freedom, and supplies a new one.

Hans-Hermann Hoppe deals with monetary issues and with what he calls “monetary imperialism”. Carlo Stagnaro defends the right to bring and carry guns as an essential part of the libertarian tradition of thought, rejecting the common objections raised by advocates of the monopoly of violence. Walter Block proposes the challenge of roads’ privatization.

Guglielmo Piombini assesses the debate between the so-called “left-libertarianism” (25) and the so-called “paleo-libertarianism”, arguing for a reconciliation of *laissez faire* and traditional morality. By the same token, Paolo Zanotto examines the contributions of Juan de Mariana in the light of contemporary libertarian theory.

Libertarians can provide new perspective on current affairs as well as social thought. Tom Palmer examines economic globalization from a libertarian perspective, and

reminds us of the robust link that connects cosmopolitanism and classical liberalism, criticizing at the time the attitudes shown by contemporary “communitarians”. Wendy McElroy proposes a different approach to feminism and gender issues, which builds upon the great truths of methodological individualism, which are central in any true libertarian perspective.

An account of the most relevant libertarian scholarship is provided by Nicola Iannello, in his robust bibliographical essay.

Those debates and disputes, the large number of scholars in fields such as political philosophy, economics, and social theory (not to mention journalists and political analysts) who are working within the libertarian framework, are truly impressive and confront all with a factual reality: libertarianism is no longer a philosophical eccentricity, but a stream of thought whose contributions to contemporary political philosophy can't be simply ignored.

Wishing that this issue of *Etica & Politica / Ethics & Politics* contributes to a serious debate in Italy over these themes, we would like to close this introduction by expressing the sincere hope that – at least at a theoretical level – a growing number of scholars would, in the coming years, recognize what Anthony de Jasay writes in this journal:

Opportunism, not efficiency, is the motive force of the most important collective choices. Substantially all redistributive functions undertaken by the state can be explained by the fact that while people have unequal abilities and resources, they have equal votes, and resources can be taken from some and given to others by voting for the transfer. This is a naked truth, and it is not pretty. It is perhaps only human, but insincere, to prettify it by pretending that the net effect of these enforced transfers is to make us all wealthier and safer. (26)

Notes

(1) NOZICK, R., *Anarchy, State, and Utopia*, New York: Basic Books, 1974.

(2) RAWLS, J., *A Theory of Justice*, Cambridge, Mass.: Harvard University Press, 1971.

(3) There are countless examples of the profound influence exercised by Rawls on contemporary political philosophers. As far as the Italian context is concerned, anyway, at least we should mention the work of Salvatore Veca and Sebastiano Maffettone. See, for example, VECA, *La società giusta*, Milano: Il Saggiatore, 1982, and *Questioni di giustizia. Corso di filosofia politica*, Torino: Einaudi, 1991; MAFFETTONE, *Valori comuni*, Milano: Il Saggiatore, 1989, and *Etica pubblica*, Milano: Il Saggiatore, 2001.

(4) ROTHBARD, M.N., *For a New Liberty*, New York: Macmillan, 1973.

(5) On the first steps of the Libertarian movement in the US, see RAIMONDO, J., *An Enemy of the State. The Life of Murray N. Rothbard*, New York: Prometheus, 2000, particularly pp. 151-209. For an insider account of the early stages in the movement's development, see also TUCCILLE, J., *It Usually Begins with Ayn Rand*, San Francisco: Fox & Wilkes, 1972). For an account of the history of the libertarian movement as a part of the larger conservative ("right-wing") movement, see the classic NASH, G.H., *The Conservative Intellectual Movement in America*, New York: Basic Books, 1996, and GOTTFRIED, P., *The Conservative Movement*, rev. ed. New York: Twayne Publishers, 1993.

(6) Prominent works in the contemporary minarchist stream of libertarianism are RASMUSSEN, D.B., & DEN UYL, D., *Liberty and Nature. An Aristotelian Defense of Liberal Order*, Chicago: Open Court, 1991; MACHAN, T.R., *Human Rights and Human Liberty*, Chicago: Nelson-Hall, 1975; MURRAY, C., *What It Means to Be a Libertarian*, New York: Broadway Books, 1997. An introductory work to Minarchist Libertarianism is BOAZ, D., *Libertarianism: a Primer*, New York: Free Press, 1997. The most distinguished, and by far the most influential, champion of Minarchism is still the novelist and author Ayn Rand. See RAND, A., *The Virtue of Selfishness*, New York: New American library, 1964, and *Capitalism: The Unknown Ideal*, New York: New American library, 1967. For an insightful treatment of Rand's positions, see IANNELLO, N., "Radicali per il capitalismo. L'oggettivismo di Ayn Rand", in RAND, *La virtù dell'egoismo*, Macerata: Liberilibri, 1999.

(7) Building on Rand's insights, it is particularly Machan that has worked on this hypothesis. See MACHAN, "Dissolving the Problem of Public Goods, Financing Government Without Coercive Measures," in MACHAN, ed. by, *The Libertarian Reader*, Langham, MD: Rowman & Littlefield, 1982, and MACHAN, "Revisiting Anarchism and Government", available on line at http://www.liberalia.com/html/tm_minarchists_anarchists.htm#_ednref15.

(8) MACHAN, "Revisiting Anarchism and Government".

(9) ROTHBARD, *Man, Economy, and State. A treatise on economic principles*, Auburn, Al: Ludwig von Mises Institute, 1993, pp. 560-660.

(10) LEONI, B., "Mito e realtà dei monopoli" (1965), now in *La sovranità del consumatore*, Prefazione di RICOSSA, S., Roma: Ideazione, 1997, pp.129-65. On Leoni, see MASALA, A., *Il liberalismo di Bruno Leoni*, Soveria Mannelli: Rubbettino, 2003.

(11) SALIN, P., "Cartels as Efficient Productive Structures", *The Review of Austrian Economics*, vol. 9, n.2, 1996, pp. 29-42. See also SALIN, *La concurrence*, Paris: PUF, 1995, and SALIN, *Liberalisme*, Paris: Odile Jacob, 2000, pp.167-86.

(12) A point on which Rand would readily agree. See RAND, "Antitrust: The Rule of Unreason" (1962), now in *The Voice of Reason. Essays in Objectivist Thought*, New York: Meridian, 1990), pp. 254-59.

- (13) NOZICK, *Anarchy, State, and Utopia*, p.151.
- (14) DE JASAY, A., "Justice", in *Justice and Its Surroundings* Indianapolis: Liberty Fund, 2003, pp. 142-69.
- (15) DE JASAY, "Slicing the Cake Nobody Baked", in *Justice and Its Surroundings* pp.186-98.
- (16) We are well aware that such a definition would imply that it is impossible to classify as libertarian those free-market economists who still theorize and apply Utilitarian positivist methodology, including most of the so-called "Chicago School of Economics".
- (17) See *The Journal of Libertarian Studies*, vol. 1, n.1, now available on line at: <http://www.mises.org/jlsdisplay.asp>.
- (18) See BENSON, B., *The Enterprise of Law: Justice Without the State*, San Francisco: Pacific Research Institute, 1990, and HOPPE, H-H., *Democracy. The God That Failed. The Economics and Politics of Monarchy, Democracy, and Natural Order*, New Brunswick: Transaction Publishers, 2001, pp. 239-66. See also CHILDS, R.A., Jr., "An Open Letter to Ayn Rand"(1969), now in TAYLOR, J.K., ed. by, *Liberty Against Power. Essays by Roy A. Childs, Jr.*, San Francisco: Fox and Wilkes, 1994, pp. 147-56; HUMMEL, J.R., & LAVOIE, D., "National Defense and the Public-Goods Problem" in HIGGS, R., ed. by, *Arms, Politics, and the Economy. Historical and Contemporary Perspectives*, New York: Holmes and Meier, 1990); FRIEDMAN, D., *The Machinery of Freedom*, La Salle, Ill.: Open Court, 1989, pp. 135-143; TANNEHILL, L. & M., *The Market for Liberty* (1974), San Francisco: Fox and Wilkes, 1993), in particular pp. 43-148; MURPHY, R.P., *Chaos Theory. Two Essays on Market Anarchism*, New York: RJ Communications, 2002. For an unfinished rebuttal of Market Anarchism, written by one of its initiators, see CHILDS JR., "Anarchists Illusions", in *Liberty Against Power*, pp.179-84. On the debate on anarchy or minimal state, see also CUBEDDU, R., *Atlante del liberalismo*, Roma: Ideazione, 1996, pp. 101-13, and *Politica e certezza*, Napoli: Guida, 2000, pp.87-120. See also LOTTIERI, C., *Il pensiero libertario contemporaneo*, Macerata: Liberilibri, 2000, and VERNAGLIONE, P., *Il libertarismo. La teoria, gli autori, le politiche*, Soveria Mannelli: Rubbettino, 2003.
- (19) See, especially, DE JASAY, *Social Contract, Free Ride: A Study of the Public Goods Problem*, Oxford: Oxford University Press, 1989; *Justice and Its Surroundings*, pp. 3-74; FOLDVARY, F., *Public Goods and Private Community. The Market Provision of Social Services*, Aldershot: Edward Elgar, 1994.
- (20) See NARVESON, J., *The Libertarian Idea*, Philadelphia: Temple University Press, 1988.
- (21) See VEATCH, H.B., *Human Rights: Fact or Fancy?*, Baton Rouge, LA.: Louisiana State University Press, 1985,. pp. ixss.: «For assistance in writing this book, I must first make acknowledgement to the Libertarians, for without their assistance this book would never have been written».

(22) See DE JASAY, *The State* (1985), Indianapolis: Liberty Fund, 1997); *Choice, Contract, and Consent. A Restatement of Liberalism*, London: IEA, 2004; *Against Politics. On government, anarchy, and order*, London: Routledge, 1997; and *Justice and Its Surroundings*.

(23) On the charge of “Constructivism”, see ANTISERI, D., “Ludwig von Mises and Friedrich von Hayek: Il nazismo ha radici socialiste”, in COLOMBATTO, E. & MINGARDI, A., ed. by, *Il coraggio della libertà. Saggi in onore di Sergio Ricossa*, Soveria Mannelli: Rubbettino, 2002, pp.63-75. For an account of the incompatibility of Classical Liberalism and a constructivist approach, see the classic HAYEK, F.A., *The Counter-Revolution of Science. Studies on the Abuse of Reason* (1952), Indianapolis: Liberty Fund, 1980) and *The Fatal Conceit. The Errors of Socialism*, Chicago: Chicago University Press, 1991. On the topic, see also INFANTINO, L., *Individualism in Modern Thought*, London: Routledge, 1998, *Ignorance and Liberty*, London: Routledge, 2002; MARTINO, A., “Liberalismo e costruttivismo”, in *Semplicemente liberale*, Macerata: Liberilibri, 2004; and RICOSSA, *La fine dell’economia*, Milano: Sugarco, 1986.

(24) See, for example, BLOCK, W. & DI LORENZO, T.J., “*The Calculus of Consent* rivisitato: il ‘liberalismo’ di James Buchanan e Gordon Tullock”, in COLOMBATTO & MINGARDI, ed. by, *Il coraggio della libertà*, pp.77-93.

(25) Piombini uses the locution “left-libertarianism” to refer to those classical liberals or libertarian anarchists that do not share a traditional (conservative) view in the matter of personal morality. This is also the usage of HOPPE, *Democracy. The God That Failed*. However, it is questionable if this is a proper use or not. “Left-libertarians”, in contemporary political philosophy, are especially those who (following Hillel Steiner) though accepting self-ownership, refuse to recognize ownership of external goods as legitimate, endorsing a version of the Lockean proviso with strong egalitarian accents. See, for example, the recent OTSUKA, M., *Libertarianism Without Inequality*, Oxford: Oxford University Press, 2003.

(26) *Infra*.