

Libertarianism without Morals?

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L.A. Rollins, *The Myth of Natural Rights* (50 pages), Loompanics Unlimited (PO Box 1197, Port Townsend, WA 98368, USA)

There is enormous confusion in the libertarian movement on the subject of morality or ethics. The confusion is largely due to the inordinate influence of that very confused writer, Ayn Rand. L.A. Rollins' engaging little pamphlet is a well-written attack on the predominant libertarian notions about ethics.

The author has no trouble knocking down the flimsy arguments of Rand, Rothbard, Machan, and their ilk. For example, Rothbard presents an argument (in *For a New Liberty*) as follows: If we deny each person's right to own himself, there are only two alternatives: "either (1) a certain class of people, A, have a right to own another class, B, or (2) everyone has the right to own his own equal quotal share of everyone else." Rothbard then tries to show that (1) and (2) are unacceptable, so by elimination we must select everyone's right to self-ownership.

But, as Rollins points out (citing criticisms by Mavrodes), various other alternatives have been omitted, including the possibility that nobody owns anybody. Rollins concludes, with admirable lucidity, that "Rothbard's argument for the 'right to self-ownership' has more holes in it than a slice of Swiss cheese and doesn't prove a damned thing."

It is worth adding a more radical criticism. If we say that A owns x, we are actually generalizing a complex package of rights to use x under certain conditions. We could equally well say that A owns the bodies of all other members of society, since A's entitlement to x is equivalent to his entitlement that all other members of society behave in certain ways under certain conditions with respect to x. Arguments such

as Rothbard's naively take ownership for a simple relation between an owner and an owned thing or person. To decide, for example, whether my ownership of a plot of land includes the right to have it free of rats, bullets, photons, occasional hikers, migrating lemmings, contaminated water, shadows or smoke emanating from a neighbouring plot of land is not to find out what some pre-existing notion of ownership means, but to define a form of ownership. To say that A owns himself is empty of content until we define what ownership shall mean in this case.

There is much that is correct and salutary in Rollins' pamphlet, but Rollins' own position, insofar as it can be gleaned, appears to be indefensible. Although ostensibly concerned with "natural rights", he argues against all morality, and describes his position as "amoralist". There are indications that Rollins views himself as a libertarian and is, perhaps, seeking to win over the libertarian movement to his amoralist position. Yet there could be no libertarian movement without morality. Any movement for political or social reform of any kind has to appeal to value judgements in order to make out a case for its recommended changes, and these value judgements can hardly be other than ethical judgements.

A Moralizing Amoralist

Although I agree with Rollins that an amoral human being is perfectly possible, I think such creatures are very rare, and I doubt that any of the folks at Loompanics really are amoralists. Rollins' work has a preface by Stephen O'Keefe, who, as far as I can gather, endorses Rollins' "amoralist" standpoint. The preface states:

"Little white lies are not so bad ... Big lies are committed when people who base their reputations on their scholarly work champion ideas which they neither believe nor can defend ... The Myth of Natural Rights is ... about the big lies that thinkers like Rand, Rothbard, Konkin, Machan and others perpetuate... we cannot but wonder whether there is any basis for libertarian ideology other than personal preferences."

This moralizing is careless. (Unless O'Keefe thinks that the writers named all believe themselves to be perpetuating untruths, their mistaken theories are hardly "lies".) But it is certainly moralizing. And by the way, what are moral values but "preferences"?

Our author moralizes too. He states: "The amoralist is also an individualist and believes 'to each his own'." This is a moral judgement. There is nothing in amorality that makes for individualism or tolerance. Apart from that, Rollins' amorality looks suspiciously like the moral judgement: 'One should not make moral judgements (except this one).' But since most people often feel like making moral judgements, why shouldn't they yield to that temptation? No doubt Rollins would say that he isn't going to say they shouldn't, but in that case what is left of his position? It seems to be merely the announcement that he isn't going to make moral judgements. He can supply no grounds for recommending that position to anyone else.

For anyone with a lively interest in human affairs, it is natural to make moral judgements, or at least appeal to them implicitly, very frequently. The inclination could be stifled only by a huge effort of self-discipline, a bizarre kind of self-control, as tricky as training oneself to avoid any word containing a "w". What's the point of this hair shirt?

We seem to have yet another variant of the old joke of the form 'I used to be indecisive but now I'm not so sure.': 'I used to think morally but now my conscience won't let me.'

Right Makes Might

Rollins contends that all theories of rights are inventions intended to further the interests of the inventors. Did Grotius, Puffendorf or Locke devise their theories because they hoped personally to benefit thereby? Isn't it possible they believed in them, or thought them suggestions worth kicking around? But if Rollins' allegation is true, it applies equally to *his* theory of rights: that there are no natural rights.

Rollins attacks natural rights without establishing what they are. While this is reasonable, given the widespread disagreements about natural rights, and the fact that natural rights proponents don't seem to know either, many of Rollins' attacks seem to miss any mark worth hitting.

He makes heavy weather of the fact that "natural rights are imaginary rights." By this he seems to mean that if no one takes any notice of them, they do not provide any protection against invasion. But presumably most natural rights advocates would agree that natural rights, like effective public health standards, afford no protection unless they are implemented.

Referring to Hospers' metaphor of rights as no-trespassing signs, Rollins asks: "But of what use is an invisible 'no-trespassing' sign?" The answer is: An invisible no-trespassing sign may be of just as much use as a visible one, provided there is some way (other than visibility) of knowing it's there - and something analogous to this is precisely what is contended by natural rights advocates.

Rollins repeatedly makes assertions of this sort: "A bullet-proof vest may protect a person against being shot, but a natural right has never stopped a single slug." But this is false. 'Re enforcement of social rules has indeed stopped millions of slugs, and enforced social rules emanate partly from ideas of justice held by people, ideas which have included natural rights. Maybe Rollins would reply that rights have no effect unless people act on them, but see how empty his claim then becomes. It's analogous to: 'No law of mechanics ever built a single machine.' This counters only those deep thinkers who believe that natural rights operate even if no one knows about them. Amazingly, Konkin seems to argue for this fatuous position.

"The only thing that can prevent any state from taking back previously granted rights is the power to prevent it from doing so. And that is so regardless of whether there are any natural rights." But state power and the uses to which it is put flow in large measure from people's views about rights. "Making moral criticisms of the State is not going to affect

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the State's course of action." If Rollins would just think for a second, he would set what claptrap he is talking, carried away as he is by his amoralist pose. Moral criticisms have frequently affected the State's course of action, as when the British Empire outlawed the slave trade, the US government began to make restitution to Redskins and Japanese, and legal equality was given to women.

In combination, moral appeals and rational arguments are tremendously powerful. They determine who will have the guns and where they will be pointed. As Hume put it, "All government is ruled by opinion." Or in others words, 'Right makes Might.'

Free Life