

the antebellum South never built up any social capital—the natural and good fruit of civil society—but remained a Hobbesian world “held together by violence, coercion and force.” This is the violent world that Andrew Jackson understood and that he shared with the rest of the nation as president.

When those organizations broke down, however, or were silenced by a patriarchal president, the civil space for “ritualized combat” collapsed, and real combat followed. Organizationally, McCarthy makes this point by following her chapter on Jackson with a chapter on the widespread civic unrest America experienced during and after his presidency. Her argument, again, is clear and well-substantiated: Once Americans had lost hope that their government would even listen to their peaceful protests in the voluntary sphere—lost their faith in the American creed, in other words—they were forced to seek their ends through violent means. John Brown’s murderous rampages in Kansas and Harper’s Ferry—both of which received financial and moral support from wealthy East-Coast allies—are perfect examples of what frustrated abolitionists had to do to make their voices heard.

In conclusion, McCarthy draws a distinction between what she calls “government” and “governance.” The former is the mechanism of political power that, depending on the people holding that power, may or may not respond to the interests of its citizens. The latter is a social ethos: a widespread faith that citizens can influence politics through institutions of their own making. Traditionally, scholars of American democracy have looked only at government and the supposedly growing power of the enfranchised. McCarthy successfully turns this model upside down. Real democracy is neither a mechanism nor a process, and it is definitely not a personality. Instead, simply put, democracy is civil society. Without it, as the history of antebellum America demonstrates, there is only coercion and repression on the part of the government, regardless of its structure and rhetoric, and frustration and eventual violence on the part of the governed.

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On Nozick

Edward Feser

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After the publication of his last major work, *Invariances: The Structure of the Objective World* (2001) and his premature death in 2002, Robert Nozick became once more a major source of academic debate and controversy. In spite of his later contributions in different fields of analytic philosophy, Nozick’s name is of particular prominence among political philosophers. His *Anarchy, State, and Utopia* (1974) is still considered the most relevant answer to the book that reshaped the landscape of contemporary political philosophy, John Rawls’s *A Theory of Justice* (1971).

So, it is no surprise that Edward Feser's book concentrates on the political thought of Robert Nozick. It constitutes a careful compendium to the thesis expressed in *Anarchy, State, and Utopia*, rightly regarded as a fundamental text in that stream of thinking that is known as "libertarianism" or "classical liberalism." Feser presents Nozick's views with intellectual honesty and palpable admiration for the object of his study but extends the scope of his analysis to present an account of libertarianism at large.

One of Feser's merits is to insist that libertarianism does not imply acceptance, let alone worship, of moral relativism. He emphasizes that libertarianism is not a *complete* moral theory but rather a *political* philosophy with a very narrow scope. It concentrates merely on the political arena; its object is to seize political power (the reasons for this are taken from the venerable vocabulary of the classical liberal tradition: "Power tends to corrupt, and absolute power corrupts absolutely," we may say with Acton), and it mandates institutional arrangements to minimize aggression against individuals and their individual rights. These rights are founded on self-ownership. As such, they include the liberty to dispose of one's body as one wishes (though there are lights and shades, and libertarians are far from having reached a satisfying conclusion on an issue as problematic as abortion, for example) as well as the liberty to dispose of one's goods (derived, following Locke, by the fact that one has legitimately acquired them and originally through one's work). Libertarians, then, do not oppose freedom to contract whatever agreement people might wish for their companies; they would not propose restraints for mergers or advocate antitrust regulations or the like. Nor would they endorse a government-produced-and-enforced law to control what people can legally eat, smoke, or snort.

These facts—barely intelligible to those addicted to the *politique politicienne*—have caused libertarianism often to be described as "fiscally conservative" and "socially liberal." As Feser notes, "libertarianism does *not* require respect for or approval of 'non-traditional lifestyles.' It requires only that such practices are not forbidden by *law*" (40). "Nor is libertarianism by any means necessarily hostile to traditional morality—it holds only that traditional moral rules ought not be enforced *by the state*, not that such rules have no validity" (28).

If Nozick himself was far from embracing what we may call a conservative *social* (rather than political) philosophy, his vision *per se* (that is, the idea of a "night-watchman state," providing merely defense from aggression to its citizen) can easily be wedded with a traditional *social* philosophy if the latter does not presume to take advantage of government to enforce moral norms. Libertarianism should be separated out from its caricatures: It is neither a philosophy for people who believe that "anything goes" for individuals nor an intellectual "super-structure" for Thatcherite reforms.

Feser scores a point in dissipating these misunderstandings and stressing that "if libertarianism entails that government cannot impose 'right-wing' moral views on people, it also entails that government cannot impose 'left-wing' moral views. Respect for individual rights requires the abolition of anti-sodomy laws, anti-miscegenation

laws, and state-enforced segregation; but it also requires getting rid of ‘hate speech’ laws, anti-discrimination laws, and state-forced *integration*” (40). On the other hand, the political pendulum seems to be swinging between these two extremes. This is straightforwardly clear when we examine (as Feser does, though briefly) the case of state-funded and state-provided education. “When the state decides on the curriculum, it cannot fail to impose some people’s value on others” (41). Austrian Emperor Joseph II famously supported state interventionism in education with this candid reason: “My subjects pray too much.” Norberto Bobbio, the dean of modern Italian liberalism, observed as late as 1986 that true freedom of education (that is, noncompulsory and nonuniform schools) was a risk in Italy because it would have brought a greater number of children to Catholic schools. The *raison d’être* of public schools is precisely to impose a mentality on younger generations that the ruling class believes necessary to spread for its own survival.

However, Feser’s work is not always as convincing as it is in his defense of the compatibility of social conservatism and political libertarianism (a compatibility that is *possible* but is by no means necessary). In spite of his words on public school and his endorsement of a strict version of libertarianism, Feser repeatedly refers to Nozick’s intellectual ancestors as “John Locke, John Stuart Mill, and Herbert Spencer” (4, 26). This is certainly the case with Locke and Spencer, but enlisting Mill as a classical liberal in the mold of Locke, Spencer, and Nozick demonstrates a serious misunderstanding of Mill’s work. In the liberal paradigm, Mill was obviously a “deviationist,” and many examples can be provided to prove the point. In his writings on socialism, for instance, he speaks about the *moral* indefensibility of private property vis-à-vis socialization of the means of production. Ludwig von Mises went so far as to write, “Mill is the great advocate of socialism. All the arguments that could be advanced in favor of socialism are elaborated by him with loving care. In comparison with Mill all other socialist writers—even Marx, Engels, and Lassalle—are scarcely of any importance.” This should be clear especially to an author such as Feser, who aims at reconciling libertarianism and traditional morality. Mill always thought of the “prejudices” of public opinion as a problem, vehemently opposed Christianity (see Linda Reader’s remarkable *John Stuart Mill and the Religion of Humanity*), and not surprisingly advocated a number of state programs, including the institution of a voucher system of compulsory education.

Other shortcomings of Feser’s book include his classification of the various “degrees” of libertarianism, from moderates who endorse some kind of state interventionism (e.g., Milton Friedman and F. A. Hayek) to anarchist libertarians (e.g., Murray Rothbard, Anthony de Jasay, David Friedman, Hans-Hermann Höpfe, and Jan Narveson). Standing in between is Robert Nozick, along with Ayn Rand and Ludwig von Mises (11–14). This view, however, does not pay much respect to the historical context, nor is it applicable to periods prior to the twentieth century when stringent “minarchism” was the rule and not the exception among liberals, as they were called at the time. There are also points of difference and agreement among libertarian thinkers

that are of greater importance than the “anarchy or state” dilemma: Different methodologies and epistemological foundations offer good explanations for the different attitudes toward politics and the state; whereas, the latter cannot explain the former.

Another major weakness in Feser’s book is his almost childish treatment of anarchists’ rebuttal of Nozick’s theory, a matter that is by no means examined in detail, as it deserves to be. Feser conjectures that “even if anarchy were established today, minimal states would in effect come into existence *immediately*” (64). This may be an important point, but we expect a serious author to provide more support for his answer to the ultimate question of political philosophy. Feser seems also to be convinced of the superiority of the minimal state over anarchy because the first is “a most robust survivor of the cultural-evolutionary process, there being virtually no society in which a state has not existed” (64). If we look at the cultural-evolutionary process, we should, sadly, correct this statement to: “... there being virtually no society in which a *non-minimal* state has not existed.” Minimal states, if they ever were in place, have tended to grow bigger and bigger: The history of government in the United States is a good example of this phenomenon. Those who seriously defend the view of strictly limited government cannot close their eyes on its inner instability and should provide reasons why this trend is not to be considered as much a production of “cultural evolution” as the emergence of states from anarchy.

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