

IS LIBERTARIAN PERFECTIONISM TENABLE?

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Libertarian perfectionism is an attempt to ground libertarian principles of human interaction on a perfectionist moral foundation. Libertarians believe that people should be in charge of their own lives, free to pursue projects of their own choosing. Perfectionists hold that the primary moral goal is flourishing (thriving, well-being, *eudaimonia*, etc.), and so that individuals should develop themselves to be the best they can be.¹ The perfectionist emphasis on excellence appeals to many libertarian thinkers: they see constraints on freedom as holding people back from pursuing the projects that would allow them to thrive (e.g., Machan 2009, 78-80, 86; Jacobs 2006, 53-6; Machan 2006, 112-4, 118-20; Rasmussen and Den Uyl 2005, 88-92).

The libertarian perfectionist project faces a *prima facie* difficulty. People regularly make mistakes in pursuing their own good (e.g., Machan 2009, 109; Thaler and Sunstein 2008, 6-11, 17-65; Hausman and McPherson 2006, 120-8). It seems that some degree of infringement on a person's freedom might limit her mistakes and so have a (net) positive effect on her flourishing. Consider, for instance, the story my father tells about a time when his supervisor made him mad. He stewed for over an hour and kept getting angrier, so he got up from his desk to go yell at his boss. Dad was certainly within his rights to confront the boss because his supervisor had an 'open door' policy. Still, his boss would have also been within his rights to terminate his employment for doing so because my father was an at-will employee. Dad's co-workers, seeing that he was about to get himself fired, physically restrained him (by standing in his way and

¹ If perfectionists are wrong about morality, of course, then libertarian perfectionism won't be a tenable position. I'm taking perfectionism for granted in this paper in order to see whether it is compatible with libertarian views about human interaction.

grabbing his arms) while they tried to dissuade him from his rash course.² After my father calmed down a bit, he saw that his officemates were right – he really needed the job and would be better off pursuing his grievance in a more civil (and effective) manner. Dad was (arguably) better off because his friends prevented him from yelling at his boss. To my father’s way of thinking, he owed his coworkers a debt of gratitude – they saved him from a big mistake. From a libertarian perspective, however, my father’s fellow employees greatly wronged him by interfering with his plans. Dad should have been free to scream at his boss, regardless of whether doing so was sensible. Libertarianism regards paternalistic interference intolerable.³ It explicitly eschews balancing when it comes to freedom – no amount of progress toward human ends can justify trespassing on someone’s sovereignty over her own life (e.g., Machan 2009, 101-2; Machan 2006, 114-7; Rasmussen and Den Uyl 2005, 92-4). On its face, however, this doesn’t fit well with perfectionist ethics – progress toward human ends is the moral goal.

In order to justify libertarian perfectionism, its advocates must show how it is possible to make protecting freedom an inviolable rule within a moral system directed at enhancing human flourishing. In this paper I argue that (at least so far) they have failed. There are two primary arguments for libertarian perfectionism: the first holds that, contrary to appearances, any coercion undermines flourishing; the second that libertarian freedom is necessary for different people to be able to flourish in their own ways. Neither of these arguments works. Libertarian freedom doesn’t always enhance flourishing; likewise, libertarian noninterference goes well

² If they hadn’t restrained him, Dad wouldn’t have hung around while they tried to reason with him.

³ Libertarians are usually understood to be concerned with *government* interference in people’s lives. This anti-government inclination is, however, the result of more general attitudes of approval toward self direction and antipathy toward coercion. As Tibor Machan puts it, “[p]eople may offer wayward individuals advice, write editorials directed at them, send them letters, try to talk with them – ... in short, they may approach others in every peaceful way imaginable. But they have no authority to usurp the governance of another person’s life” (2006, 122-3; see also Rasmussen and Den Uyl 2005, 76-7, 89-90).

beyond what is required to allow room for any actual person to thrive. Given these failures, libertarian perfectionism is untenable.

I. Principles: Libertarian and Perfectionist

Libertarianism holds that people should be free to run their own lives. This freedom extends as far as is compatible with equal liberty for all. Each person, then, deserves a sphere of inviolability within which she is sovereign. No person (or group of people) is justified in trespassing on that sphere. If others want to interact with an agent, they must do so on the basis of her voluntary, informed consent. Each person, to put it another way, has a right to liberty. This right must be understood as a negative right, i.e., a right to non-interference (e.g., Machan 2009, 99-105; Jacobs 2006, 52, 53-4, 60; Machan 2006, 111-20, 122-3; Rasmussen and Den Uyl 2005, 76-7, 280-2; Mack 1995, 41-2).

On the libertarian view, negative rights have pride of place in morality. Whatever else we decide about what is right or good, we are supposed to respect the liberty rights of others.⁴ By themselves, however, negative rights provide a rather minimalist morality. If non-interference were the whole of morality, certain perennial topics (e.g., benevolence, self-improvement) would not even count as ethical issues (e.g., Rasmussen and Den Uyl 2005, 44-7; Hospers 1974). This result is incompatible with standard perfectionist views: avoiding major life mistakes is good; helping others avoid such mistakes is good; failing to help others (especially where rendering aid is easy) is bad (e.g., Rasmussen and Den Uyl 2005, 81, 284).⁵ Suppose, for

⁴ On the necessary-to-accommodate-different-forms-of-flourishing argument, libertarian principles aren't run-of-the-mill moral norms (see pp. 11-13 below). Still, they must command individual obedience or they can't play the role they are assigned in the argument (see, e.g., Hittinger 1993, 81-7).

⁵ The fact that "other concern (*philia*) is ... one of the generic goods that constitute human flourishing" (Rasmussen and Den Uyl 2005, 81; see also 215-6, 270) helps explain why people are tempted to intervene (paternalistically) in the lives of others.

example, I'm walking late one night and I notice someone passed out, face down, in a puddle. I could easily save her from immediate drowning (at least) by rolling her out of the puddle with my foot. Nonetheless, on a libertarian view, I am free to keep going and that person has no claim on my aid.⁶ Is there really nothing morally wrong if I just step over her and hurry on? Some libertarians are willing to bite the bullet and answer in the affirmative (see, e.g., Machan 1998, 442-3). If values are subjective and each person's ends are simply her pet projects, for example, then perhaps negative rights are all we can salvage from morality (e.g., Jacobs 2006, 52; Hospers 1974).

Many libertarians reject moral minimalism. While they see liberty as the *first* principle of human interaction, they don't see it as the *only* principle that should guide a person's behavior (Machan 2006, 126-7; Jacobs 2006, 52-3, 66-7; Rasmussen and Den Uyl 2005, 15, 92-4, 284; Mack 1995, 41). On this approach, moral issues remain after negative rights are safeguarded: I *can* do this, but *should* I? A person's negative right to liberty leaves her "free to *choose* the morally wrong course of action" but we are free to recognize immoral activity as such and "disassociate ...[,] criticize ...[,] and attempt to persuade people to change their ways" (Rasmussen and Den Uyl 2009, 5). While libertarians can appeal to a range of traditional views for further moral principles, many are attracted to perfectionist accounts (see, e.g., Machan 2009, x, 78-81; Jacobs 2006; Machan 2006; Rasmussen and Den Uyl 2005; Den Uyl and Rasmussen 1995). Those libertarians see freedom as a necessary condition for the sort of thriving human life that perfectionists see as the basic moral goal.

⁶ On libertarian views, positive rights (which involve claims on others) interfere with the negative rights of those who are obligated, so no political system can enforce positive rights. The only legitimate function of a state, on this view, is to safeguard the negative right to liberty (Rasmussen and Den Uyl 2005, 281-2; Jacobs 2006, 75-9; Machan 2006, 109, 111-5).

How are we to understand flourishing on a perfectionist view?⁷ The full answer goes beyond the scope of this paper, of course, but it is enough to provide a brief schema.

Perfectionists hold that each human person has a certain *nature*, one that involves distinctive human ends (e.g., pleasure, friendship, knowledge) and distinctive human capacities, both intellectual (e.g., to remember with a certain degree of accuracy, reason with a certain facility) and physical (e.g., to lift certain amounts of weight, see with a certain degree of acuity, feel things with a certain degree of sensitivity). A human flourishes when she best achieves her human ends, given her human capacities (e.g., Machan 2009, 2, 10-2, 15, 69-70; Haybron 2008, 43-7; Toner 2006, 225-31; Rasmussen and Den Uyl 2005, 79-81, 111-29, 167-70; Den Uyl and Rasmussen 1995, 61-2; Mack 1995, 45-6).

Humans don't automatically behave in ways that lead them to flourish. They often act, for example, on the goal of the moment, guided by snap assessments of situations (Ellis 2008; Thaler and Sunstein 2008, 19-22; Hayden and Ellis 2007, 657-75; Schick 1997, 14-27; Schick 1991, 55-60). While this works well enough in many cases (e.g., if I'm thirsty, I go to the fountain without much thinking too about it), it can also lead to disaster (e.g., action on the spur of the moment is usually a bad way to cross the street or prepare for retirement). Flourishing, of course, involves much more than having lucky, or even well-trained, behavioral dispositions. When people have time and relevant cognitive resources, they do better by considering a number of goals, reflecting on possible situations, investigating to learn new information, anticipating the effects of actions over time, etc. Reasoning, then, plays a critical role in any account of human flourishing. By allowing people to tailor their actions to their capacities and situations, reason serves as an important tool for achieving their ends (e.g., Thaler and Sunstein 2008, 19-22, 44-9;

⁷ In this paper I'm concerned with the compatibility of libertarianism and perfectionism, so I'm spotting myself the basic perfectionist approach. In addition, I'm focusing on what libertarian perfectionists have to say about perfectionism in order to make it clear that I am engaging with their project.

Rasmussen and Den Uyl 2005, 140, 143-4). Exercising reason is also a basic human goal – people like to contemplate, to know, to understand, etc. (e.g., Rasmussen and Den Uyl 2005, 86-8, 138-41).

As people use reason to reflect on their experiences, they can discover patterns of behavior that enhance their ends in many circumstances. Someone might realize, for example, that she fares better if she doesn't let her fears overwhelm her or if she 'stops to smell the roses' sometimes. Successful patterns can serve as resource-preserving, distraction-avoiding rules of thumb for dealing with such situations.⁸ Guided by reason, then, people form habits to help them handle the situations they face. Well-cultivated dispositions of this sort allow for both advancement toward human ends and low cognition costs. These reason-guided dispositions are *virtues* (e.g., Rasmussen and Den Uyl 2005, 79, 146, 172-3). Being guided by virtuous habits is an important part of a flourishing life. To say something more substantive about perfectionist accounts of human flourishing I would need to fill in all sorts of details: what human ends are we talking about? what capacities do people have to seek those ends? what are the best courses of action in various human circumstances? can people figure them out? Again, while these are crucial questions for any perfectionist account, providing anything like complete answers goes well beyond the scope of this paper.⁹

⁸ There is no need to reassess certain values from scratch every time they arise; it makes more sense to devote mental effort to new problems. Having a full contingency plan for anything that might happen is beyond the capacity of human beings anyway. After a certain point, even less ambitious planning is more trouble than it is worth. A person with a habit responds to situations without thinking too much about them (e.g., the water case above).

⁹ I will go into certain further details below.

II. How Liberty Enhances Flourishing

One way to argue for libertarian perfectionism is to hold that, despite the *prima facie* problem raised before, respecting negative liberties always enhances flourishing. In general, of course, liberty does enhance flourishing. Having some freedom to act is a pre-requisite for self-guidance, which is valuable in itself as an exercise of rational capacities. Further, some degree of self-guidance is essential if a person is to work out a reasonable pattern for her life, and so come to recognize virtues. Based on these sorts of considerations, some have argued that intervening in someone's life couldn't improve her well being. Coerced actions don't reflect a person's understanding of what it makes sense to do and so they can't be virtuous. As Machan puts it, "[t]he social preconditions for treating human agents is the basic right to be wrong. Without that right, people cannot freely make their own moral judgments but will act from fear of legal sanctions, something that obscures the moral significance of what they do. (Yes, they might have done the right thing anyway, but this is difficult to tell if they *must* do it.)" (2009, 239). Coercion, then, won't help someone thrive (see also Machan 2009, 79; Rasmussen and Den Uyl 2009, 895; Rasmussen and Den Uyl 2005, 80, 94-5, 138-41, 295-6). Paternalistic intervention would actually undermine moral development, on this view, because a coerced agent misses out on the natural feedback to her behavior and so she can't take responsibility for, and learn from, her mistakes (e.g., Klick and Mitchell 2006).

The foregoing is not enough to show that interference with liberty is always anti-flourishing. While people seek to do well, they don't always succeed because discovering and living by a reasonable life strategy is difficult. Trying to lead a flourishing life has the form of a (very complex) decision problem. A person has basic values that serve as her objective function, i.e., the yardstick by which her progress can be (prospectively and retrospectively) evaluated

(e.g., Rasmussen and Den Uyl 2005, 129-32). She tries to best satisfy her values subject to the constraints she faces. Each person has a set of basic human capacities and confronts a set of material and technological circumstances. These obvious constraints are partially endogenous – through her choices a person can, to some extent, develop her capacities and influence her material situation. A person's social environment also influences how well certain sorts of actions will advance (or retard) her basic ends. Learning to play the cello, for example, might be a more rewarding course with familial support, other things equal. Being one of a few plumbers in an area might be more rewarding, *ceteris paribus*, than being one of many. Being one of just a few hula hoop aficionados, on the other hand, might be less rewarding. Social constraints are also partially endogenous – people can have some influence on the societies in which they live.

Choices about how to live aren't one shot decisions, of course, and this leads to further constraints. Taking the same sort of action at different times might have different effects on a person's well being. Someone, for example, might have led a better life if she had learned Chinese when she was young. It doesn't follow, however, that learning Chinese now would pay similar dividends. A person's history can influence the flourishing-value of the choices she makes now (e.g., Rasmussen and Den Uyl 2005, 133). All of this goes to show that a person's thriving is only partially under her control. Further, achievement is a matter of degree – a person can do better or worse. A human flourishes to the greatest extent possible when she best achieves her human ends, given her human capacities, in her circumstances.

Leading a flourishing life is more difficult than even the complex-decision-problem framework suggests. In real life, no agent starts out with a clear objective function or any explanation of the constraints she faces; the precise nature of her situation (i.e., her goals and the challenges she faces in achieving them) is something she must figure out as she goes. Further,

none of this can be worked this out from first principles. An agent must be guided by experience as well as reason. Actually trying things provides someone with important information about the world (including herself) and how well she fares when she emphasizes different ends (e.g., Millgram 2000, 120-2; Pizarro 2000, 367-369; Schwartz and Clore 1983, 513-4, 520-1). Given these difficulties, it isn't at all surprising that people have difficulty thinking through life issues and so make mistakes. They often don't know or misunderstand facts relevant to their situations, for example. Mistaken beliefs lead not only to particular actions that don't advance an agent's interest but also to more general misunderstandings about the world and how she might thrive in it. Complexity, especially in the face of time pressure, often leads people to think, judge, and act without addressing all of their values or beliefs (Ellis 2008; Thaler and Sunstein 2008, 19-22; Hayden and Ellis 2007, 657-75; Schick 1997, 14-27; Schick 1991, 55-60).

Paternalistic intervention can (sometimes) help remedy the mistakes people make. When someone's co-workers restrain her to keep her from getting fired, for example, they give her an opportunity to calm down, and so to reflect on her whole situation. In the same way, perhaps, the risks of heroin addiction might be lessened if some entity (e.g., an individual, community organization, or government) restricted or regulated the drug trade. If it is better to be a good Samaritan than a person who ignores others then directing or incentivizing people to help others might help them to see this. (Think, for example, about Scrooge in Dicken's A Christmas Carol.) Can directing someone against (or at least not in accordance with) her will really help her? Unbidden experiences can, of course, still be educative (e.g., Rasmussen and Den Uyl 2005, 94).¹⁰ It will be difficult to tell if someone is being constrained by coercive force or by their newly found (or remembered) appreciation of the values at stake. This epistemic problem doesn't establish, however, that an individual's flourishing isn't being advanced. Further, as

¹⁰ Aristotle's account of habituation in the Nicomachean Ethics springs to mind here.

Richard Arneson notes, “it is scarcely plausible that no perfectionist value can be attained except via autonomous choice. To undertake action involves exercise of agency, but agency can be exercised, and in ideally admirable ways, under conditions of coercion and duress and when the agent is moved to act by motives other than the perfectionist good that is being achieved” (2000, 44). It is true, as Rasmussen and Den Uyl emphasize, that experiences with coercion can also embitter and crush (2005, 94). Still, this paper is not a brief for coercion in general; I am merely arguing that there are some restrictions on liberty that can enhance flourishing. Further, given the breadth of the libertarian account of personal sovereignty, what counts as coercion surely comes in degrees. Making it more difficult to buy pseudophedrine at the drug store (an anti-methamphetamine measure adopted in some American states) is hardly the same as shipping someone off to the gulag. Paternalism doesn’t entail the total elimination of choice. Intervention that merely rules out really bad options leaves room for the good of self-guidance and for the exercise of virtue (see, e.g., Arneson 2000, 44). Raising, even temporarily, the cost of a superficially attractive but ultimately disastrous action can bring certain values to mind and so steer people toward options that are more conducive to flourishing. Even if coerced behavior itself can’t be virtuous, coercion can prevent someone from performing actions from which it is difficult for her to recover (e.g., getting fired, becoming addicted, dying, or letting someone die). The beneficiaries of such assistance are enabled to make it to their next opportunity to thrive (or at least to their next opportunity to learn about thriving).

Libertarians tend to be deeply suspicious about paternalistic motives because self-interested agents are likely to cloak their motives in the language of paternalism in order to advance their own ends. Perfectionism, however, has resources, at least in principle, to distinguish and criticize this sort of fraud. It is a matter of fact whether some circumstance

contributes to a person's flourishing, even if such facts are difficult to ascertain (Machan 2009, 84-7). Whether any particular intervention in someone's life would do more harm than good is usually a tough call. Even if it is appropriate to be cautious and develop relatively hands-off rules of thumb about paternalism, however, full negative trump rights won't be justified. If flourishing is the ultimate end, paternalism can't be ruled out.

III. Liberty as a Precondition for the Possibility of Flourishing

A more promising approach to justifying libertarian perfectionism holds that liberty is absolute not because it directly enhances flourishing but because it provides an environment in which everyone has an equal opportunity to flourish (e.g., Machan 2009, 79-80; Rasmussen and Den Uyl 2005, 78-9, 83-6, 89-91). This view starts with the claim that people are sufficiently different from one another that there are many forms of human flourishing (e.g., Machan 2009, 13, 64-6, 78, 110; Rasmussen and Den Uyl 2005, 79-83, 86-9).¹¹ Further, each individual has the best access to her own nature (at least in general), so she is in the best position to find what would lead her to thrive. People will need to determine the course of their own lives – experiment, reflect, reason, etc. – in order to find out what their flourishing consists in (e.g., Rasmussen and Den Uyl 2005, 271). Each form of flourishing is good for someone, so it would be wrong to handicap any one of them (e.g., Rasmussen and Den Uyl 2009, 9, 11-12). The only way for each person to have an equal space in which to find and follow her own appropriate path is to adopt a libertarian scheme that provides each person with a sphere of inviolability (e.g.,

¹¹ Rasmussen and Den Uyl, in particular, see themselves as working within the tradition of political liberalism and so they formulate their defense of libertarian political principles as a solution to what they characterize as “liberalism's problem” (2005, 78; see also 2005, 63, 93-4, 243-4, 271-3, 287). Reviewing all of the political philosophy here would take us pretty far afield, however. The key point for my purposes is that “liberalism belongs to the modern tradition of political philosophy” which holds “a more pluralistic view of the human good, rejects the idea that statecraft is soulcraft, and makes securing peace and liberty the primary aim of political/legal order” (Rasmussen and Den Uyl 2009, 7).

Rasmussen and Den Uyl 2009, 11).¹² General restrictions on behavior, despite the fact that they are consistent with some (perhaps many) forms of flourishing, make it impossible for certain people to follow their own particular road to a good life (e.g., Rasmussen and Den Uyl 2005, 95). It is inappropriate, then, to make human well being the object of legislation (e.g., Rasmussen and Den Uyl 2005, 52-3).

The view that negative rights provide an environment in which everyone has a chance to thrive is a meta-normative view – liberty isn't necessarily important as part of flourishing, but it protects the conditions that make it possible for people to discover (develop?) their own virtues and so it serves as the ground of the possibility of global flourishing, and a constraint on each person's pursuit of the good (e.g., Rasmussen and Den Uyl 2009, 9-10). This view is similar to the moral-minimalist approach to libertarianism. If substantive values were subjective, such that all of the lives people lead are equally legitimate, then the only constraint that would properly regulate pursuit of the good would be a formal one that leaves everyone free to take her own path (see, e.g., Machan 2009, 19; Johnson & Magee 2000, 398-9). Libertarian perfectionism denies the subjectivity of value but allows that what is objectively valuable is different for different people, and so that there are a number of legitimate rules for life. Again, however, the only appropriate constraint on the pursuit of the myriad forms of flourishing is one that allows them all to be followed without unnecessary limits. If forms of flourishing are sufficiently different, the effect is the same as subjectivity – people must be free to the extent compatible with freedom for all. Pluralism about kinds of flourishing is the key to any libertarian perfectionist account of negative rights.

¹² This argument holds that there really are different *forms* of flourishing for different people, not merely that there are different *views* about flourishing.

To protect all forms of flourishing libertarian perfectionists seek to “provide each person a sphere of freedom – a ‘moral territory’ – whereby self-directed activities can be exercised without being invaded by others” (Rasmussen and Den Uyl 2009, 12). A particular restriction on behavior will interfere with someone’s coming to flourish, however, only if it inhibits actions that are part of that process. Limiting a person’s ability to dance, for example, would cut against her thriving only if dancing were part of a path that lead her to thrive. In order to account for full libertarian rights, then, the libertarian perfectionist holds that for any (type of) action in any situation, there is someone for whom such an action in such circumstances is either prescribed by a best sort of life for her or helpful to her in finding a best sort of life (e.g., thorough educative feedback). As Rasmussen and Den Uyl put it, “the liberal order provides a political/legal structure that allows for the possibility of moral virtue in a social context for everyone. Alternatively, the non liberal social order, be it left- or right wing inspiration, must deny that possibility for some individuals and groups” (Rasmussen and Den Uyl 2005, 271-5). At a minimum, libertarian perfectionists claim, we can’t be confident that restrictions on liberty (beyond the requirement that liberty be equal for all) won’t undermine someone’s legitimate form of flourishing (e.g., Rasmussen and Den Uyl 2005, 312).

The meta-normative account isn’t actually sufficient to ground full libertarian trump rights. Even granting the need to protect many diverse forms of flourishing, it is still possible for tailored intervention in a particular individual’s life to enhance her overall well-being. In many situations a sympathetic observer can identify when someone is about to make a mistake, even with respect to her own conception of the good life (e.g., Machan 2009, 72). The observer might, for example, possess information that an agent needs in order to make good choices (*Don’t do it – it’s a trap!*). Sometimes what a person lacks is self knowledge. Such an agent

will be tempted to act in ways that are not appropriate for her although they might lead certain individuals to flourish. I might, for example, try to pattern my life (from here on out) after the young Edmund Hilary. This, however, probably wouldn't lead to the best sort of life for me (given my age, current physical capacities, familial connections, etc.). It would enhance my flourishing if someone put up a roadblock to dissuade me from emulating Hilary (e.g., constraints on who can try to climb Mount Everest). Where a concerned onlooker sees something that an agent doesn't, carefully tailored intervention might still enhance the agent's particular form of flourishing, even if it is idiosyncratic. If paternalism can enhance individualized flourishing then the argument that negative rights are a precondition for global flourishing is undermined. Some range of intervention to directly support flourishing is compatible with safeguarding all actual forms of (and paths to) flourishing. Full libertarian trump rights, then, both go beyond what is necessary to make flourishing possible for all and limit interventions that might enhance an individual's flourishing.

While the foregoing argument does undermine the case for full-blown libertarian spheres of inviolability, it is possible to make too much of it. It justifies intervention in someone's life only where the paternalist understands both that person's situation and her particular form of thriving. Given that paternalists are as error prone as anyone else, such situations may well be rare. More importantly, if there were diverse forms of flourishing, paternalism would make sense only in the context of certain quite intimate relationships. It is one thing to intervene in the lives of those you know well – family, friends, etc. – but quite another to adopt impersonal social rules that infringe on freedom. It seems implausible that blanket prohibitions on behavior (or even large-scale incentive schemes) would be sensitive in the right way to idiosyncratic forms of flourishing. Libertarian perfectionists can still stress that social-level interference with liberty

would undermine some forms of thriving. This, of course, depends on the claim that human flourishing comes in diverse forms.

At the core of the libertarian-perfectionist project is the claim that flourishing differs for different agents. There is a sense in which this is correct on any perfectionist account: my thriving is distinct from (although perhaps related to) your thriving. This distinction allows, however, that my flourishing and your flourishing are different tokens of the same (human) type. Libertarian perfectionisms must go further than that. If the best strategy for living a good life were the same (or very similar) for all then there would be a limited range of actions in any situation that someone might take to enhance her flourishing. Restrictions on actions outside that set wouldn't handicap anyone's well being and so wouldn't undermine anyone's possibility of flourishing. More robust spheres of freedom would be justified, however, if there were a very wide variety of flourishing lives. People would need more room not only to follow the virtues of their best sorts of lives but also to discover them, so many general restrictions on liberty would interfere with someone's flourishing. The crucial question for the libertarian-perfectionist project, then, concerns the universality of human flourishing: to what extent do people share a best *rule for life* (i.e., a map from circumstances to actions)?

As noted before, what it makes sense for someone to do depends on her environment and history. Isn't this already an admission that flourishing takes different forms for different people? Different people in the same circumstances will best thrive by doing different things. This, however, doesn't amount to an admission that non-libertarian regimes must interfere with someone's path to a flourishing life. To see why, consider that, on a perfectionist account, for each person there will be a strategy (or set of strategies) that picks out a best (i.e., most conducive to flourishing) action for each possible history and circumstance. Such a best strategy

satisfies her nature (to the extent it can), taking into account where she starts from and how she develops. This amounts to a sort of expected value maximization, where the expected value of behavior depends on both history and circumstances, as well as the values provided by basic human ends. Of course to say that there is such a best strategy is not to say that anyone knows what it is or even has access to it. Further, even a best course of action won't lead to a particularly flourishing life in some situations – the circumstances must be right. Reflecting on the basic human value of artistic experience, for example, it usually makes sense for an agent to develop an artistic talent. Which talent would be best will depend on circumstances (both exogenous and endogenous), as will exceptions to the basic principle. An optimal strategy, if a person could access it, would provide her with a rule for conducting her life. A person who uses reason to guide her life can be understood as trying to discern the important features of such a rule for life. The relevant question for assessing how much freedom people need to flourish is not whether different people facing the same world should end up doing different things. The issue, rather, is whether different people should end up at the same (or similar) rule(s) for life, and, if so, how much elbow room they need to discover and follow it (them).

Once the question is clear, it seems much less plausible that humans have radically different rules for life. On any perfectionist view, people share basic ends, capacities, and many constraints. While appropriate behavior is certainly context sensitive, that is no reason to think that people should follow different principles for going from contexts (including histories) to behavior. When it makes sense for people to pursue different courses of action (e.g., you should learn to play the piano; I should focus on singing with informal social groups), the difference results from different facts on the ground (e.g., you are young, have good manual dexterity, have access to a piano, etc.; I am late to developing my musical abilities, have arthritis, possess a

pleasant but limited voice, etc.). Still, we can often see how human values and various circumstances make sense of some actions and not others. Medicine makes an appropriate analogy here. What it means to be healthy is common to all human beings in virtue of their biological similarities. Different human beings are in different states of health, however, due to their different circumstances and histories: some are undernourished or injured or diseased, etc. Depending on their states of health, even those now similarly situated should be doing very different things to improve their health: exercise for some, rest for others; certain medications for some, medications with contrary effects for others; etc. From the wide variety of human actions people can take to improve health, however, no one can conclude that for any human action, there is someone for whom that course of action would improve her health. Chain smoking, binge drinking, Russian roulette, and a host of other behaviors are just unhealthy. Flourishing is something like health in certain ways. While there are a number of (types of) actions that allow (different) people to thrive, it doesn't follow that we must allow any possible human action to ensure that everyone can flourish. The constraints on what constitutes human flourishing imply that the set of possible action types that lead someone to flourish is a smallish subset of possible action types.

On the view I am suggesting, every human person is playing the same "game," even if they are usually at different places on the "court" or "field" (in virtue of their different histories and circumstances). Features of the "game" constrain what it makes sense for the "players" to do.¹³ Basketball players, for example, should (given the object and rules of the game) play some defense; humans, likewise, shouldn't ignore their own mental development. In no sort of

¹³ If we had complete information about the "game" of life (and we could process it), we might be able to determine the best "play" from any situation on the "court." Of course, we don't have anything like complete information about life – it isn't an easy "game" – so we can't discern complete strategies. Still, it seems possible to can discern some constraints.

football does it make sense to completely ignore the ball. Similarly, some behavior isn't compatible with *any* (even remotely) remotely plausible plan of life. Imagine, for example, someone in the grip of hormone-addled adolescence who launches himself into space equipped solely with food and pornography. Regardless of what he may think, this is not the best he can do given his human nature. As Machan notes, "there is no honest way of using ... arguments [for the permissibility of smoking, drinking, gourmet eating, etc.] to rationalize senseless and immoderate conduct" (2009, 111). At a minimum, he is ignoring many basic human values (e.g., friendship). Likewise, someone who commits her entire life to consuming alcohol or has a passion for joining the Nazi party has a strategy that doesn't correspond with any sort of flourishing life for a human being. It would enhance everyone's flourishing if we could steer people away from such activities.

There are other behaviors that are generally bad ideas even though they might make sense in certain limited circumstances. It sometimes makes sense to play without a goalie in soccer or hockey, for example, but not very often. Something similar might be said about dropping out of school before completing a secondary education: some people *should* quit school for their own well-being; many people drop out of school for poor, short-sighted reasons, however, and dropping out is likely to work against their flourishing. Quitting school at least seems to be a mistake for a sizeable majority of dropouts. Smoking provides another example of a generally destructive behavior. Smoking clearly damages a person's health. That being said, smoking has its attractions – it is said to be both pleasant and soothing (Machan 2009, 111, 113-4, 115). Still, there are other soothing pleasures that are healthier. Given the difficulty of quitting, there is a case to be made that for a few people, at least, continuing to smoke would be part of their best plan for life. On the other hand, starting to smoke is quite plausibly a mistake for anyone.

Actions that aren't compatible with any reasonable human rule of life needn't be protected to protect the possibility of flourishing: it would be enough to allow behavior that is part of, or conducive to, some sort of actual flourishing. If actual forms of human well-being are limited then robust libertarian rights go well beyond what is required to ground the possibility that everyone can flourish. Perfectionism, in fact, provides a reason to *not* protect all behavior: limiting behavior that is completely off-track while allowing people significant room for action should enable a high degree of self-guidance, personal development, and education about the good while guiding such development into more productive areas and preventing irreversible harms. Even actions that are sometimes part of a flourishing life might be reasonably discouraged on perfectionist grounds. Many of the things that people are tempted to do would not lead them to thrive in their own particular circumstances. The flourishing of all would be enhanced if there were limits where it helped most people but exceptions were allowed where warranted. Social incentives could, for example, be structured in such a way to induce most people to go to school, while still permitting some to opt out. We could, likewise, publicly discourage smoking (it would help almost everyone), but allow some people to keep lighting up if they are in certain circumstances.

The case for non-individualized paternalism is quite persuasive on the supposition that the range of human flourishing is fairly limited. The supposition seems very plausible. People do, of course, exhibit some range of capacities (some are stronger, quicker, etc.); they may even differ in their sensitivity to basic ends (e.g., artistic vs. mechanical temperaments). Much of this variation results from different circumstances or past behaviors, although perhaps not all of it (Hausman and McPherson 2006, 118). None of this, however, suggests a wide range of human differences: no one wants to be lonely; no one can leap tall buildings or hear dog whistles;

(virtually) everyone can learn algebra. Human capacities fall within a narrow band, at least relative to the variation we see across different species. Further, much of the observed variation seems to be driven by circumstances and past choices. While humans certainly exhibit a good deal of cognitive, conative, and behavioral variability across different situations, they seem to have similar capacities, inclinations, and characteristic activities in similar contexts.¹⁴ The actual range of human variability doesn't suggest that different people have radically different natures.

The most plausible argument that people have different rules for life focuses on value differences. While people have the same set of basic values, they prioritize those values in different ways. Everyone, for example, values both friendship and knowledge but some place a higher priority on friendship and others on knowledge. The need for priorities stems from the fact that different ends pull people in different directions in actual human circumstances. Each end is important, so “keeping them from becoming incompatible by discovering their proper weighting or balancing is an individual's central task” (Rasmussen and Den Uyl 2005, 150; see also Rasmussen and Den Uyl 2005, 87, 143). This job requires each person's particular efforts. The issue is whether very different priority schemes can be justified. At first blush, this seems unlikely. No perfectionist sees human nature as a blank slate. If human nature constrains what people find attractive then surely it places some constraints on how attractive they find those things. Humans have the same basic values and the same cognitive resources with which to process them. It isn't hard to see how people can come up with different priority schemes; it is hard to see how perfectionists can see many such schemes as equally justified. Still, libertarian perfectionists argue for a wide range of priority schemes. Rasmussen and Den Uyl insist, for example, that “there are ... no a priori, universal rules that dictate the proper weighting of the

¹⁴ This is why there are regularities for social scientists to uncover. This doesn't imply, of course, that people are *good* at finding appropriate rules for life (they may make predictable errors) but it does suggest that people have common (mis)evaluations and (mis)perceptions.

goods and virtues of human flourishing” and so that “proper weighting is only achieved by individuals using practical wisdom at the time of action to discover the proper balance for themselves” (146-7; see also Rasmussen and Den Uyl 2005, 87, 133, 136, 149). Individual priorities, they think, fall out of particular facts about agents – “[t]he circumstances, talents, endowments, interests, interests, beliefs, and histories that descriptively characterize each individual” (Rasmussen and Den Uyl 2005, 80; see also Rasmussen and Den Uyl 2005, 133, 148, 150). Since agents will differ along these dimensions, priorities will (properly) differ for each agent: “[n]one of these forms of flourishing is inherently superior to the other[; e]ach has the necessary generic goods, but their proportions and weightings vary” (Rasmussen and Den Uyl 2005, 147; see also Rasmussen and Den Uyl 2005, 80, 87).

The foregoing doesn’t successfully make the case for a wide range of human priorities. Certainly people do weight their ends in a variety of ways, but it doesn’t follow that each such priority scheme leads to a flourishing life. As noted before, people make mistakes. Perfectionists are interested in what actually leads people to flourish, not what people think will make them flourish. Further, no one claims that value priorities are determined a priori or even discovered all at once. Humans have to learn what they like and don’t like. Experience allows someone to judge not only *whether* she likes a certain possible end but also *how much*. When someone tries something new, she often comes to make comparative evaluations – “I liked it better than this but less than that.” If experience suggests that working with certain priorities is unsatisfying then changes in priorities may be needed. This is often the conclusion people reach when they try to balance their work and family lives, for example. To test possible priority schemes, people must to disentangle the structure of their desires from their beliefs, especially their theoretical views (see, e.g., Schwartz and Clore 1983, 521-2). One of the reasons why

people make mistakes forming priorities is that it is so difficult to do it well. Still, even libertarian perfectionists allow that there seem to be human-level limits on the weights people assign to different values. No form of flourishing can ignore any basic values (e.g., Rasmussen and Den Uyl 2005, 87, 147, 150-2). Likewise, concern for giving each human ends its due role would seem to rule out lexical priorities: there isn't any substantive human value such that it would make sense to *never* trade even the most miniscule advance toward it for complete attainment of some other substantive end. Certain extreme relative weights also seem implausible, at least for creatures like us (e.g., Machan 2009, 111). Someone who prefers the death of someone else to being momentarily detained on a leisurely walk scarcely seems human.¹⁵ Again, the perfectionist account of human nature suggests that appropriate priorities for each human being will have some common features.

Appeal to the individual characteristics of agents doesn't help establish that there is a wide range of reasonable priorities over human values. In order to make this point clear, it is important to distinguish an agent's value priorities from how she distributes her time and effort in her particular circumstances. As we saw before, an agent's system of values serves as her objective function: the values appropriate to her nature spell out what constitutes a flourishing life for her; her current assessment of what those values are serves as the measure by which she evaluates her life, both prospectively and retrospectively.¹⁶ The very same objective function will pick out very different sorts of behavior under different conditions. Even a person who is highly dedicated to intellectual pursuits will (and should) devote a good deal of effort to pleasure seeking where intellectual efforts are difficult, pleasures are easy to obtain, and she has yet to

¹⁵ This is not to say that people don't sometimes walk on. The point, rather, is that such a person is probably making a mistake about what would make her life better.

¹⁶ If her evaluations fail to track her experiential (gut-level) assessments, she will look into changing her 'yardstick'.

sate herself.¹⁷ It would be a mistake to see such a pleasure-seeking phase, however long it lasts, as a change in values – our agent has the same priorities but is reacting to a change in her circumstances.¹⁸ Behavior is evidence for value commitment, but it can't be evaluated apart from circumstances (Hausman 2000).

“The circumstances, talents, endowments, interests, beliefs, and histories that descriptively characterize [an] individual” (Rasmussen and Den Uyl 2005, 133) are really constraints she faces rather than features of her value scheme. A person's constraints will influence her behavior, as they should. That they should have an impact on her value priorities is much less obvious. It would certainly be a mistake for our pleasure-seeking intellectual to lower her evaluative weight on the life of the mind just because it is harder to make intellectual progress – that would be classic sour-grapes reasoning. It is important to distinguish dissatisfaction (satisfaction) that results from less (more) friendly circumstances from dissatisfaction (satisfaction) that stems from emphasizing the wrong (right) ends. Likewise, if our intellectual pleasure seeker increased the weight of physical pleasure in her value system simply because it was more attainable, she would just be making herself easier to please. Anyone who made such value changes would be making herself ill equipped for any new circumstances (e.g., the end of a vacation cruise).¹⁹ Consider a different example from Rasmussen and Den Uyl: “[a] person with a career in the military might require a greater emphasis on the virtue of courage than would be the case for a civilian” (2005, 173). A soldier

¹⁷ Rational choice models get this right when they hold that a person should pursue each of her ends to the point where each provides equal marginal value (which depends on priorities) in her circumstances.

¹⁸ Of course her capacity to engage in intellectual pursuits might decay, but that is a change in her situation too. Rasmussen and Den Uyl seem to commit the mistake in question when they claim that “valuation or weighting ... is ultimately expressed by an individual's time and effort” (2005, 147).

¹⁹ None of this implies that reprioritizing (subjectively held) values is impossible. If our intellectual found herself much more excited and satisfied by pleasure seeking than she expected, she would have grounds for revisiting the emphasis she had placed on the life of the mind. Surprising affective reactions as a reason to suspect that currently held value weights might not track what actually makes you flourish.

will probably need to *be* courageous more often than a civilian due to her circumstances. Likewise, it makes sense for a soldier to think about courage, practice courageous behavior, etc. more than most civilians. That being said, a soldier doesn't need different priorities over the basic ends that underwrite and are served by courage (e.g., self-concern, other-concern, honor, etc.). After all, the same values figure in other virtues as well (e.g., charity), so a civilian needs to have her priorities worked out too. Further, a soldier whose courageous *behavior* is supported by an excessive sense of honor or a poor sense of self-worth won't be suited for changing circumstances (e.g., a peace-keeping assignment or life after the military). Changing value *priorities* to handle changes in *circumstances* is wrong-headed. Making judgments about when to change priorities requires us to draw a sharp distinction between values and constraints, not mix them up as Rasmussen and Den Uyl do.

In the final analysis, there is no reason to think there are a wide range of reasonable rules for life for human beings. Human nature suggests that we will be much alike: our differences don't affect the ends we ought to pursue or how much we ought to value them so much as the way we ought to pursue them. At a minimum, our forms of flourishing are closely enough related that it is extremely implausible to think that every sort of action in any particular circumstance will be conducive to someone's legitimate form of human flourishing. Human nature just isn't *that* plastic.

Conclusion

Paternalistic infringement on negative liberty can be justified when such intervention is actually conducive to human flourishing. How allowing for paternalistic action based on this claim would play out 'on the ground' depends on the actual range of ultimate goods for human

beings. If the range is fairly narrow, as I suspect, much behavior won't be consistent with flourishing and there will be greater scope for perfectionist intervention. If, however, there is a somewhat broader range of human ways to thrive, there will be fewer behaviors that are unconnected with any notion of flourishing. Still, there will be a set of such actions and so it doesn't follow that we need full libertarian spheres of inviolability to protect various ways of flourishing.

None of the foregoing is meant to provide a practical guide to perfectionist paternalism. Any analysis of whether or not someone is acting in their own best interest is fraught with peril. A number of views of the good have reasonable advocates and it is difficult to adjudicate among those views. Achieving anything like a consensus on what is good for who is quite unlikely. Given all of this, a live-and-let-live *modus vivendi* might well be the most reasonable way to organize a society. This sort of practical compromise, however, falls far short of establishing libertarian-style negative rights. Advocates of perfectionism certainly can (and perhaps ought to) champion many liberal policies, but full libertarian scruples are out of bounds.

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