

Cambridge University Press

978-0-521-64991-9 - Problems of Market Liberalism

Edited by Ellen Frankel Paul, Fred D. Miller, Jr., and Jeffrey Paul

Frontmatter

[More information](#)

---

## PROBLEMS OF MARKET LIBERALISM

Cambridge University Press

978-0-521-64991-9 - Problems of Market Liberalism

Edited by Ellen Frankel Paul, Fred D. Miller, Jr., and Jeffrey Paul

Frontmatter

[More information](#)

---

PROBLEMS OF  
MARKET LIBERALISM

*Edited by*

**Ellen Frankel Paul, Fred D. Miller, Jr.,  
and Jeffrey Paul**



**CAMBRIDGE**  
UNIVERSITY PRESS

Cambridge University Press

978-0-521-64991-9 - Problems of Market Liberalism

Edited by Ellen Frankel Paul, Fred D. Miller, Jr., and Jeffrey Paul

Frontmatter

[More information](#)

Published by the Press Syndicate of the University of Cambridge  
The Pitt Building, Trumpington Street, Cambridge CB2 1RP, England  
40 West 20th Street, New York, NY 10011, USA  
10 Stamford Road, Oakleigh, Melbourne, Victoria 3166, Australia

Copyright © 1998 Social Philosophy and Policy Foundation

First published 1998

*Library of Congress Cataloging-in-Publication Data*

Problems of Market Liberalism / edited by Ellen Frankel Paul,  
Fred D. Miller, Jr., and Jeffrey Paul. p. cm.

Includes bibliographical references and index..

ISBN 0-521-64991-9

1. Free enterprise. 2. Liberalism.

3. Capitalism.

I. Paul, Ellen Frankel. II. Miller,

Fred Dycus, 1944- III. Paul, Jeffrey.

HB95.P666 1998

330.12'2-dc21 98-3392

CIP

ISBN 0-521-64991-9 paperback

Transferred to digital printing 2003

The essays in this book have also been published,  
without introduction and index, in the semiannual journal  
*Social Philosophy & Policy*, Volume 15, Number 2,  
which is available by subscription.

Cambridge University Press

978-0-521-64991-9 - Problems of Market Liberalism

Edited by Ellen Frankel Paul, Fred D. Miller, Jr., and Jeffrey Paul

Frontmatter

[More information](#)

## CONTENTS

	Introduction	vii
	Acknowledgments	xvi
	Contributors	xvii
GERALD F. GAUS	Why All Welfare States (Including Laissez-Faire Ones) Are Unreasonable	1
ROBERT SUGDEN	Measuring Opportunity: Toward a Contractarian Measure of Individual Interest	34
ERIC MACK	Deontic Restrictions Are Not Agent-Relative Restrictions	61
DANIEL SHAPIRO	Why Even Egalitarians Should Favor Market Health Insurance	84
N. SCOTT ARNOLD	Affirmative Action and the Demands of Justice	133
THOMAS W. HAZLETT	The Dual Role of Property Rights in Protecting Broadcast Speech	176
DANIEL D. POLSBY	Regulation of Foods and Drugs and Libertarian Ideals: Perspectives of a Fellow-Traveler	209
JAMES W. CHILD	Profit: The Concept and Its Moral Features	243
ROBERT EHMAN	Natural Property Rights: Where They Fail	283
RODERICK T. LONG	Toward a Libertarian Theory of Class	303
LOREN E. LOMASKY	Libertarianism as if (the Other 99 Percent of) People Mattered	350
JONATHAN R. MACEY	On the Failure of Libertarianism to Capture the Popular Imagination	372
RICHARD A. EPSTEIN	Imitations of Libertarian Thought	412
	Index	437

Cambridge University Press

978-0-521-64991-9 - Problems of Market Liberalism

Edited by Ellen Frankel Paul, Fred D. Miller, Jr., and Jeffrey Paul

Frontmatter

[More information](#)

## INTRODUCTION

In recent years, Western societies have begun to reconsider and reevaluate the experiments in social-welfare provision that had seemed to hold such promise in the postwar era. This process was accelerated by the collapse of Communism in Eastern Europe and the former Soviet Union, a development which discredited socialism generally and left Western liberalism and free-market economic institutions as the most prominent remaining paradigm for the organization of modern societies. Today, trends toward freedom in international trade and toward the privatization of some of the functions previously performed by government may be taken as evidence of the increasing influence of market-oriented liberalism.

The essays in this volume assess the strength and impact of market liberal or libertarian political theory, which, broadly conceived, advocates a more carefully circumscribed role for the state and a greater reliance on the ability of individuals and voluntary, private-sector institutions to confront social problems. Some of the essays deal with crucial theoretical issues, asking whether the promotion of citizens' welfare can serve as the justification for the establishment of government, or inquiring into the nature of the constraints on individual behavior that exist in a liberal social order. Some essays explore market liberal or libertarian positions on specific public policy issues, such as affirmative action, ownership of the airwaves, the provision of healthcare, or the regulation of food and drugs. Other essays look at the nature and limits of property rights, the morality of profit-making, or the provision of public goods. Still others address the success or failure of libertarianism as a political movement, suggesting ways in which libertarians can reach out to those who do not share their views.

In the opening essay, "Why All Welfare States (Including Laissez-Faire Ones) Are Unreasonable," Gerald F. Gaus challenges the idea that the proper role of the state is to actively promote the well-being of its citizens. Gaus argues that governments are not typically in a position to reasonably advance policy goals—and, in particular, that it is unreasonable for governments to seek to advance social welfare. He contends that, because of radical uncertainties about the causes of social processes, the consequences of government policies, and the complexity of the concept of welfare, governments have very little idea of how to advance people's well-being. In contrast, legislators have much more reliable access to principles and rules, and Gaus maintains that, given a choice between pursuing a public policy goal such as welfare (on the one hand) and remaining faithful to classical-liberal principles (on the other), legislators should choose the latter. His argument thus undermines the justification

Cambridge University Press

978-0-521-64991-9 - Problems of Market Liberalism

Edited by Ellen Frankel Paul, Fred D. Miller, Jr., and Jeffrey Paul

Frontmatter

[More information](#)

of the interventionist welfare state, but it also casts doubt on defenses of laissez-faire political institutions that are based on claims about how these institutions promote individuals' welfare. As an alternative to popular welfarist conceptions of the state, Gaus defends the reasonableness of a government which upholds what the economist F. A. Hayek calls "end-independent abstract rules of conduct."

Gaus's essay touches upon the difficulties associated with understanding and measuring the welfare of individuals, and these difficulties are the focus of Robert Sugden's contribution to this volume, "Measuring Opportunity: Toward a Contractarian Measure of Individual Interest." Sugden observes that contractarian political theories seek to justify the constraints necessary for a liberal social order by showing that those constraints work in the interests of each individual, and he notes that this requires some unit of account in which to measure an individual's interests or well-being. A typical strategy for providing such a unit of account is to take each person's preferences as the measure of his well-being, but this approach runs into problems if individuals' preferences are unstable or fail to satisfy the conditions of "coherence" that are assumed in the theory of rational choice. Sugden maintains that there are no adequate *a priori* grounds for assuming that preferences are stable and coherent, and much evidence to suggest that, in fact, they often are not. He discusses the resulting difficulties for those who attempt to justify a liberal political system on contractarian grounds, and suggests that a solution might be found by using the range of opportunities open to a person as a measure of his well-being.

Like Sugden, Eric Mack is concerned with the justification of constraints on individual behavior in a liberal society. In "Deontic Restrictions Are Not Agent-Relative Restrictions," Mack analyzes a theory in moral and political philosophy which is commonly used to justify deontic constraints—that is, constraints on certain types of actions (such as killing the innocent) which have force in spite of any potentially valuable consequences of those actions. The theory Mack analyzes is one that explains deontic restrictions in terms of an agent's "agent-relative" reasons for acting in accordance with those restrictions, where agent-relative reasons are reasons based on the value of the action for the agent himself. As Mack observes, the emphasis on agent-relative reasons in contemporary moral philosophy has developed in response to the perceived flaws of utilitarianism and related consequentialist doctrines which rely on an abstract and impersonal concept of value. Mack maintains that moral theorists are justified in rejecting consequentialism's impersonal conception of the good and in embracing an agent-relative conception. He also believes that we should affirm the legitimacy of deontic restrictions on certain kinds of behavior, rather than accepting the consequentialist doctrine that the optimal promotion of the good is always right. But he questions whether deontic restrictions can be defended on the basis of an

Cambridge University Press

978-0-521-64991-9 - Problems of Market Liberalism

Edited by Ellen Frankel Paul, Fred D. Miller, Jr., and Jeffrey Paul

Frontmatter

[More information](#)

## INTRODUCTION

ix

agent-relative conception of the good. Mack argues that this method of defending deontic restrictions ultimately fails; nevertheless, he concludes by suggesting a couple of ways in which the agent-relativity of value might lend some indirect support to the idea that such restrictions can be legitimate.

While Gaus, Sugden, and Mack explore the proper role of the state and the restrictions it can reasonably place on its citizens, the authors of the next four essays turn their attention to specific public policy issues. In "Why Even Egalitarians Should Favor Market Health Insurance," Daniel Shapiro defends a system of private medical insurance as a superior alternative to state-run health insurance. In the market health insurance system Shapiro describes, insurers would offer diverse health-care plans, often charging on the basis of expected risk, and the government's role would be limited to subsidizing the premiums of the indigent and those with uninsurable risks. Under national health insurance, in contrast, the government mandates comprehensive health insurance with a limited choice of plans; premiums or taxes are unrelated to health-care risks; and the government rations the supply of health-care services. Shapiro argues that most health-care risks and decisions are matters which are open to the agent's voluntary choice, and thus that even egalitarian critics of the market should favor risk rating and a wide selection of health-care plans—features that are found in market health insurance but not in national health insurance. He also maintains that government rationing in a national health insurance system is less fair than market distribution, because the former is less open to scrutiny than the latter, and because the long waiting periods which result from government rationing tend to have a more detrimental impact on the poor than on motivated, knowledgeable, and well-connected members of the middle and upper classes.

N. Scott Arnold addresses the legitimacy of preferential treatment programs in his contribution to this volume, "Affirmative Action and the Demands of Justice." Arnold argues that affirmative action programs in the United States that involve preferential treatment (in hiring, college admissions, and the awarding of contracts) are morally and politically unjustified, and that this is true even if such programs are in fact demanded by distributive or compensatory justice. He proposes two requirements that should be met when the state seeks to impose the demands of justice (as state officials see it) on civil society. The Public Justification requirement states that proponents of government action must engage in serious public debate over the legitimacy of their proposed reform, and must get an on-the-record vote of the legislature in order to pass it into law. The Anti-Hijacking requirement states that a reform should be instituted only after legislators have offered an intellectually honest accounting of the reform's intended and unintended beneficiaries and victims, in order to help ensure that the legislative process is not "hijacked" for the benefit of special interest groups. Arnold sketches a historical and legal

Cambridge University Press

978-0-521-64991-9 - Problems of Market Liberalism

Edited by Ellen Frankel Paul, Fred D. Miller, Jr., and Jeffrey Paul

Frontmatter

[More information](#)

account of preferential treatment programs in the United States, and maintains that these programs have not satisfied the two requirements. He concludes with a preemptive response to the likely objection that the Public Justification and Anti-Hijacking requirements would favor the status quo.

The role of government in exercising jurisdiction over the airwaves is the subject of Thomas W. Hazlett's essay "The Dual Role of Property Rights in Protecting Broadcast Speech." Hazlett begins by noting that much of the current law governing telecommunications in the United States paints private property rights as a threat to free speech. As an example, he cites a recent Supreme Court decision which permitted Congress to abridge the editorial discretion of private cable-system operators by forcing them to carry local (federally licensed) broadcast television stations. Critics of free-market institutions have extended this logic, characterizing private ownership of media outlets as a central threat to freedom of speech, one which can be remedied by "public interest" regulation or government ownership. Hazlett thinks that this logic is fundamentally flawed. He sketches an account of the early development of federal control over the radio spectrum in the 1920s, contending that when property rights to the spectrum are restricted, the resulting system favors incumbent broadcast station owners at the expense of greater media diversity. Hazlett concludes that there are at least two strong arguments in favor of establishing and protecting property rights in the airwaves: the traditional argument that private markets tend to offer better service to consumers than centrally planned alternatives; and the argument that property rights reduce the ability of industry incumbents to exclude new entrants, including those who cater to marginal, unpopular, out-of-the-mainstream tastes.

Daniel D. Polsby's essay explores the state's role in ensuring the safety of food and in controlling the use of potentially harmful drugs. In "Regulation of Foods and Drugs and Libertarian Ideals: Perspectives of a Fellow-Traveler," Polsby argues that, while some regulation in these areas is justifiable, the regulatory systems in place in the United States and in other modern welfare states are open to criticism on a number of fronts. He acknowledges that there are serious third-party effects or "externalities" that would be likely to arise in a completely unregulated food and drug market, including the criminogenic effects of cocaine, amphetamines, and certain other drugs, and the possibility that antibiotics could become less effective as a result of overuse. In these cases, Polsby notes, some form of government regulation is defensible as a public good, even if it is not the only option (or even the best option) available for dealing with these problems. Nevertheless, he argues that most current food and drug regulation is not justified in terms of controlling the imposition of external costs on people who have not agreed to bear them. Rather, most regulation is paternalistic; it rests on implied, and seldom defended, prop-



Cambridge University Press

978-0-521-64991-9 - Problems of Market Liberalism

Edited by Ellen Frankel Paul, Fred D. Miller, Jr., and Jeffrey Paul

Frontmatter

[More information](#)

## INTRODUCTION

xi

ositions concerning the supposed inability of individuals to act as agents for their own well-being. Polsby illustrates his discussion with examples from the U.S. regulatory system, showing how the Food and Drug Administration delays the approval of valuable new drugs and seems reluctant to allow individuals to make their own judgments when even the most moderate risks are involved. He concludes that, while libertarian arguments offer strong insights about how public policies fail, libertarians could offer a more formidable challenge to the anti-individualist orthodoxy of the welfare state if they would recognize the distinction between regulations based on paternalism and those based on considerations of the public good.

The next three essays analyze foundational issues about how economic and social relationships ought to be structured. The nature of profit is the subject of James W. Child's contribution to this volume, "Profit: The Concept and Its Moral Features." Child begins by noting the negative connotations attached to business and profit-making and suggests that these are the result of a "zero-sum" view of exchange, according to which one party to a trade can gain only at the expense of the other. He traces the origins and development of this zero-sum view in the works of Aristotle, Aquinas, and Adam Smith, and shows its culmination in Marx's theory of exploitation. In examining the zero-sum view, Child attempts to gain a better understanding of the moral status of profit-making: Is it a disreputable activity or a commendable one? Does it involve wrongdoing, or is it morally neutral (or perhaps even morally commendable) if it is done in accordance with some sort of commercial ethic? Child analyzes the concept of profit by using the example of a simple, two-person commercial transaction; as modern economists recognize, each party to such a transaction can gain without inflicting a loss on the other. On this view, profit is measured in terms of one's gain over one's own previous position, and this enables us to better understand why individuals wish to engage in trade in the first place. Indeed, as Child observes, in a free-market system the only way to motivate a potential trading partner to take part in a transaction is to offer him the prospect of some benefit.

The concept of natural property rights often lies at the center of libertarian arguments for strictly limiting the power of the state, and Robert Ehman raises questions about the application of such rights in his essay "Natural Property Rights: Where They Fail." Natural rights to property are thought to be held by individuals prior to (and independent of) the establishment of states and collective institutions, and are thought to serve as limits on the legitimacy of collective action. Ehman argues that such rights cannot be used to resolve disputes in cases where the legitimate exercise of one person's property rights has a negative impact on the exercise of another's rights. He also contends that such rights are inconsistent with certain forms of collective action that are necessary for the provision of public goods. In the course of his discussion, Ehman exam-

Cambridge University Press

978-0-521-64991-9 - Problems of Market Liberalism

Edited by Ellen Frankel Paul, Fred D. Miller, Jr., and Jeffrey Paul

Frontmatter

[More information](#)

ines theories of natural property rights set out in the works of John Locke, Robert Nozick, and David Gauthier, but he finds that these theories are unable to provide a mechanism for settling rights conflicts or disputes over the financing of public goods. In light of this, Ehman suggests that we should appeal to a unanimously acceptable decision procedure for adjudicating these disagreements. He maintains that, in order for such a procedure to be unanimously acceptable, it must offer more or less equal prospects of favorable decisions for each party. From this perspective, Ehman concludes, the key to respecting the rights of each individual is to construct and maintain a consensual, impartial procedure for resolving disputes that natural rights alone cannot resolve.

The issue of class analysis in libertarian political theory is the subject of "Toward a Libertarian Theory of Class," Roderick T. Long's contribution to this volume. Long identifies the libertarian movement expansively, as embracing all those who seek a large-scale redistribution of power from the state to individuals and their freely formed associations. Long's libertarian movement comprises a range of groups not normally thought of as libertarian, including some socialists and populists in addition to advocates of capitalism. These groups are united in their opposition to the state, even though they offer differing accounts of the nature and source of the power of the ruling class. As Long observes, libertarians of the capitalist variety hold that a ruling class gains its strength from a powerful state and could not survive in a competitive marketplace. Libertarians of the socialist and populist varieties, by contrast, regard the marketplace itself as the source of the ruling class's power, and they seek, above all, to constrain the market. The libertarian capitalist view is thus a "statocratic" one, while the socialist-populist view can be characterized as "plutocratic." Long sketches the origins of the statocratic view in the writings of Adam Smith, and traces the origins of the plutocratic view in the works of Rousseau and Marx. He argues that neither view should be accepted uncritically, but that a composite view may be closer to the truth: he theorizes that powerful business interests collude with politicians to exercise the power of a ruling class. However, Long believes that the state plays the dominant role in this partnership; thus, a strict limitation of the powers of the state would be likely to lessen the serious imbalance of power between the rich and the poor that exists in modern societies. At the same time, he emphasizes that libertarian capitalists need to pay more attention to the dangers posed by the power of plutocrats.

The final three essays in this volume explore the viability and influence of libertarianism as a political theory and a movement. In "Libertarianism as if (the Other 99 Percent of) People Mattered," Loren E. Lomasky begins with a pair of suppositions: that libertarianism is the correct framework for political morality, and that most people reject libertarianism. Given these two suppositions, Lomasky asks, how should advocates of libertarianism relate to their fellow citizens? He contends that the same concern for ci-

Cambridge University Press

978-0-521-64991-9 - Problems of Market Liberalism

Edited by Ellen Frankel Paul, Fred D. Miller, Jr., and Jeffrey Paul

Frontmatter

[More information](#)

## INTRODUCTION

xiii

vility that underlies libertarians' theory of respect for rights and peaceful accommodation (rather than aggression) will oblige them to respond to non-libertarians in a spirit of tolerance and cooperation. Lomasky distinguishes the kind of "cooperative libertarianism" that he endorses from "rejectionist libertarianism," which denies the legitimacy of social institutions that are not compatible with strict libertarianism and which tends to encourage its adherents to withdraw from the society of which they are a part. He argues that even those who believe that libertarianism is the correct political theory can acknowledge that nonlibertarians are not unreasonable when they express concerns about the justice of current property holdings, the provision of public goods in a laissez-faire system, the need for some minimal form of welfare provision, and similar issues. Even if these concerns are mistaken, Lomasky maintains, they are matters over which intelligent people may respectfully disagree. Thus, the proper strategy for advocates of libertarianism is to recognize that nonlibertarian social structures, while less than optimal, may nonetheless deserve some degree of allegiance—at least until one can persuade one's fellow citizens that these structures need to be changed. Lomasky concludes with a discussion of the limits of toleration, arguing that even "cooperative libertarians" should actively oppose practices and institutions—such as censorship or prohibitions against victimless crimes—that seek to forcibly impose a certain vision of the good life on individuals who are engaging in peaceful, rights-respecting activities.

In "On the Failure of Libertarianism to Capture the Popular Imagination," Jonathan R. Macey begins by noting that the libertarian concept of organizing society in order to have the smallest amount of government consistent with the rule of law has never been as successful as Communism and other ideologies in gaining popular support. Macey argues that libertarianism is unpopular because libertarians have not understood the political implications of risk aversion, which causes people to place a high value on insurance to provide for health care, disability benefits, old-age pensions, and similar services. If libertarians wish to be successful, Macey contends, they must show that government does a poorer job than free markets at providing these insurance services, and that, when government provides these services, it crowds out the private institutions and individuals who are potentially the best providers of insurance against misfortune. Moreover, Macey argues, libertarians must convince people that government undermines the quality of civic life by quashing non-governmental institutions that not only provide for people's welfare, but also provide outlets for civic virtue and civic expression that are superior to the outlets provided by the state.

The collection's final essay, Richard A. Epstein's "Imitations of Libertarian Thought," examines the ways in which rival political theories adopt and modify classical-liberal or libertarian ideas to serve their own ends. Epstein focuses on a pair of terms—"security" and "coercion"—and shows

Cambridge University Press

978-0-521-64991-9 - Problems of Market Liberalism

Edited by Ellen Frankel Paul, Fred D. Miller, Jr., and Jeffrey Paul

Frontmatter

[More information](#)

how the original, narrow meanings of these terms have been broadened by advocates of activist government. He notes that the narrow definition of “security” stresses the security of one’s person, possessions, and right to engage in exchange, against the aggressive acts of others; and that, on the narrow definition, “coercion” involves chiefly the threat or use of force. In contrast, defenders of interventionist government offer a broad account of “security” which includes protection against fluctuations in economic well-being brought about by market activities, and they conceive of market effects as “coercive” when they worsen the condition of the poor. Epstein argues that the broad accounts of these concepts foster counterproductive policies—policies which may increase security or limit coercion for certain protected parties, but which undermine security and increase coercion (in the narrow sense) for everyone else. By way of illustration, Epstein discusses the “Economic Bill of Rights” proposed by Franklin D. Roosevelt near the end of World War II, and he contrasts Roosevelt’s account of security with the account developed by F. A. Hayek. Epstein concludes by observing that the overuse of terms like “security” and “coercion” in describing cases of economic hardship or misfortune tends to weaken or diffuse public disapproval of genuine acts of coercion and threats to security.

Market liberal or libertarian political theory offers an alternative to interventionist policies that are increasingly being questioned by citizens around the world. The essays in this volume—written by leading philosophers, economists, and legal theorists—provide insights into the limits of government, develop market-oriented solutions to pressing social problems, and explore some defects in traditional libertarian theory and practice.

Cambridge University Press

978-0-521-64991-9 - Problems of Market Liberalism

Edited by Ellen Frankel Paul, Fred D. Miller, Jr., and Jeffrey Paul

Frontmatter

[More information](#)

### ACKNOWLEDGMENTS

The editors wish to acknowledge several individuals at the Social Philosophy and Policy Center, Bowling Green State University, who provided invaluable assistance in the preparation of this volume. They include Mary Dilsaver, Terrie Weaver, and Carrie-Ann Biondi.

We wish to thank Executive Manager Kory Swanson, for his tireless administrative support; Publication Specialist Tamara Sharp, for her patient attention to detail; and Managing Editor Harry Dolan, for editorial assistance above and beyond the call of duty.

Cambridge University Press

978-0-521-64991-9 - Problems of Market Liberalism

Edited by Ellen Frankel Paul, Fred D. Miller, Jr., and Jeffrey Paul

Frontmatter

[More information](#)

## CONTRIBUTORS

**Gerald F. Gaus** is Professor of Philosophy and Political Science at the University of Minnesota, Duluth. In 1996–98, he was Professor of Ethics and Public Philosophy at the Queensland University of Technology at Brisbane. He is the author of *The Modern Liberal Theory of Man* (1983), *Value and Justification* (1990), and *Justificatory Liberalism* (1996). He is the coeditor of *Public and Private in Social Life* (with Stanley Benn, 1983) and, most recently, of a collection entitled *Public Reason* (with Fred D'Agostino, forthcoming). He is also an editor of the *Australasian Journal of Philosophy* and is currently completing two books, *Social Philosophy* and *Political Concepts and Political Theories*.

**Robert Sugden** is Leverhulme Research Professor of Economics at the University of East Anglia in Norwich. He has held positions at the University of York and at the University of Newcastle upon Tyne, and is the author of *The Economics of Rights, Cooperation, and Welfare* (1986). His research interests include liberal and contractarian approaches to social choice, the evolution of social norms, the scope and limitations of the theory of rational choice, and experimental economics.

**Eric Mack** is Professor of Philosophy at Tulane University. He has published numerous articles in moral, political, and legal philosophy, on such topics as moral individualism, natural rights and deontic restraints, property rights, Lockean provisos, distributive justice, contractual rights, liberal neutrality, bad samaritanism, and anarchism and the justification of the state. During the spring of 1997, he was a Visiting Scholar at the Social Philosophy and Policy Center, where he worked on a book tentatively entitled *Moral Individualism and Libertarian Theory*.

**Daniel Shapiro** is Associate Professor of Philosophy at West Virginia University. He received his Ph.D. from the University of Minnesota in 1984, and has held visiting appointments at Rice University, the University of North Carolina at Chapel Hill, and Bowling Green State University. He has published a variety of articles in social and political philosophy in such journals as *Philosophical Studies*, *Social Theory and Practice*, *Public Affairs Quarterly*, *Journal of Political Philosophy*, and *Law and Philosophy*. He is currently at work on a book in which he compares welfare-state institutions to more free-market alternatives, as judged by central values or principles in contemporary political philosophy.

**N. Scott Arnold** is Professor of Philosophy at the University of Alabama at Birmingham. He is the author of *The Philosophy and Economics of Market*

Cambridge University Press

978-0-521-64991-9 - Problems of Market Liberalism

Edited by Ellen Frankel Paul, Fred D. Miller, Jr., and Jeffrey Paul

Frontmatter

[More information](#)

#### CONTRIBUTORS

*Socialism* (1994) and *Marx's Radical Critique of Capitalist Society* (1990). He has been a Visiting Scholar at the Hoover Institution at Stanford University and at the Social Philosophy and Policy Center at Bowling Green State University.

**Thomas W. Hazlett** is Professor of Agricultural and Resource Economics at the University of California, Davis, and Director of the Program on Telecommunications Policy at the Institute of Governmental Affairs. He earned his doctorate in economics from UCLA in 1984, and was a Visiting Scholar at the Columbia University Graduate School of Business in 1990–91, the Chief Economist of the Federal Communications Commission in 1991–92, and a Visiting Scholar at the American Enterprise Institute in 1995–96. He has provided expert testimony on telecommunications policy in federal and state courts, before the Department of Commerce and the Federal Communications Commission, and before congressional committees. His book *Public Policy toward Cable Television* (coauthored with Matthew Spitzer) is forthcoming from MIT Press.

**Daniel D. Polsby** is Kirkland & Ellis Professor of Law at Northwestern University, where he has taught since 1976. He received his J.D. from the University of Minnesota in 1971. He is the author of over seventy scholarly articles and has taught courses in criminal law, First Amendment jurisprudence, family law, torts, broadcasting regulation, constitutional law, legislation, labor law, administrative law, sex discrimination, secured transactions, and debtor-creditor law.

**James W. Child** is Professor of Philosophy at Bowling Green State University and is also Chairman of the Aardvark Media Group, Inc., located in Findlay, Ohio. He is the author of *Nuclear War: The Moral Dimension* (1986), coauthor of *Two Paths toward Peace* (with Donald Scherer, 1992), and author of a number of articles appearing in such journals as *Analysis*, *Canadian Journal of Law and Jurisprudence*, *Ethics*, *The Monist*, and *Public Affairs Quarterly*. Child has held a Fulbright Lectureship and has been a research fellow at Pittsburgh's Center for Philosophy of Science and at St. Andrews Centre for Public Policy. He is presently working on a book entitled *Buy Low, Sell High: The Moral Foundations of Commercial Transactions*.

**Robert Ehman** is Associate Professor of Philosophy at Vanderbilt University. He earned his Ph.D. in philosophy from Yale University, where he taught for six years. His main areas of research are contemporary contractarian theories of ethics and the economic analysis of rights. He is especially concerned with the problems of determining initial property rights and the just distribution of income. His essays have appeared in such journals as *Public Affairs Quarterly*, *Journal of Value Inquiry*, and *Constitutional Political Economy*.

Cambridge University Press

978-0-521-64991-9 - Problems of Market Liberalism

Edited by Ellen Frankel Paul, Fred D. Miller, Jr., and Jeffrey Paul

Frontmatter

[More information](#)

#### CONTRIBUTORS

**Roderick T. Long** is Assistant Professor of Philosophy at the University of North Carolina, Chapel Hill, as well as Research Director of the Free Nation Foundation. He has published in the areas of moral and political philosophy, ancient philosophy, and philosophy of action, and is the author of a book manuscript entitled *Aristotle on Fate and Freedom*.

**Loren E. Lomasky** is Professor of Philosophy at Bowling Green State University. He was educated at Michigan State University, Harvard University, and the University of Connecticut, and has taught at the University of Minnesota, Duluth, and at the University of Connecticut at both the Hartford and Storrs branches. He is the author of *Persons, Rights, and the Moral Community* (1987), the coauthor, with Geoffrey Brennan, of *Democracy and Decision: The Pure Theory of Electoral Preference* (1993), and the coeditor with Brennan of a volume of essays entitled *Politics and Process: New Essays in Democratic Theory* (1989).

**Jonathan R. Macey** is J. DuPratt White Professor of Law and Director of the John M. Olin Program in Law and Economics at Cornell Law School. His research is in corporate finance, public choice, and the economics of regulation. In 1995, he was awarded the Paul M. Bator Prize for Excellence in Teaching, Scholarship, and Public Service by the Federalist Society of the University of Chicago; in 1996, he was awarded a Ph.D. *honoris causa* from the Stockholm School of Economics; and in 1997, he was elected to the Comitato Scientifico of the International Centre for Economic Research in Turin, Italy.

**Richard A. Epstein** is James Parker Hall Distinguished Service Professor of Law at the University of Chicago. He is the author of *Takings: Private Property and the Power of Eminent Domain* (1985); *Forbidden Grounds: The Case against Employment Discrimination Laws* (1992); *Bargaining with the State* (1993); *Simple Rules for a Complex World* (1995); and *Mortal Peril: Our Inalienable Right to Health Care?* (1997). He is an editor of the *Journal of Law and Economics* and a member of the American Academy of Arts and Sciences.