

POLITICS AND GENEROSITY **[From *Classical Individualism*]**

What are the political prerequisites of the flourishing of the virtue of generosity? Many seem to believe that a society in which generosity flourishes would need to be a rather robust welfare state. I argue, however, that to the contrary, it is a libertarian political system that is most conducive to the exercise of this virtue. I would argue, furthermore, the more robust thesis, namely, that libertarianism is more conducive to the flourishing of the virtues, in general. But I single out the virtue of generosity because it is of the greatest concern to those who seem to find the kind of polity required for it morally or politically objectionable precisely on grounds that it fails to be a "gentle and kind" polity.

Generosity

To start with, we need to see what generosity is. First, a generous person is not fighting to restrain some stingy inclination, needing to withstand the temptation to be greedy. Rather, such a person is acting, as it were, from second nature, spontaneously. Generosity would, then, be a trait that either is "bred into" someone—e.g., by parents—or had been cultivated by a person. Under appropriate circumstances and without much effort, such a person would engage in conduct that is helpful (but not by right due) to others.

Generosity is a character trait and not a matter of proximate deliberate choice. Perhaps more than other traits with possible moral ramifications, it comes close to retaining the sort of status that for Aristotle all the virtues had.ⁱ They were supposed to be part of one's personality or deeply ingrained character traits, albeit the result of deliberation at some prior point in time. Generous, honest, temperate, or courageous conduct was supposed to occur as a matter of course, as a routine element of the good human being, even though it had to be cultivated through right reason. Even now we view generosity and other virtues along such lines.

Generosity is not a Duty

A generous person is not doing others good because duty requires this. Morality is often construed in terms of duties, especially duties toward other persons. And duties are the sort of moral prescriptions that place one at odds with one's inclinations. A fair person, for example, acts from duty to make sure all get the same from some good he or she may have to distribute, especially when he or she would rather keep all or indulge in prejudice. Fairness is closer to a duty than to a virtue, involving quite elaborate calculations and discipline at the time of its practice so as to learn who gets how much of what.

Generosity as Virtue

How could generosity be both a trait of personality as well as a moral virtue?

I take it here that virtues can exist. That is, I will assume a framework for understanding human life that does not rule out virtues as habituated and cultivated traits that guide the life of the agent toward its own excellence. If so, then generosity would be that trait or inclination toward action that steers one to benefit other persons, or indeed anything that is capable of being benefited. (One could be generous toward animals!) Generosity could be a virtue if its cultivation is something over which the agent has significant control.

But why would generosity be such a trait? Why would being inclined to benefit others amount to a trait that steers one toward one's own excellence? Is there not a paradox in this? To enhance one's own excellence, one might want to be prudent, even self-interested, but why generous? Would that not be precisely a trait that steers one away from one's own and toward someone else's enhancement of life?

To be able to appreciate that generosity is at once a trait guiding one toward benefiting others as well as a mode of self-enhancement or striving for one's own excellence, it is necessary to speak a bit about human nature. But as with so many philosophical topics, the topic of human nature gives rise to numerous questions. And without dealing with these, it will be difficult to avoid seeming arbitrary when discussing human nature.

First, there is the general question of whether one can make clear sense of any reference to the nature of something. This is quite controversial. Many think that the expression "the nature of X" really has no clear referent.

Problems with Human Nature

Here, too, we need to spend a bit of time on discussing human nature, what it amounts to have a nature in the first place and so on. Just consider—what would be the distinction between, say, any given tree (e.g., the one outside my office window), and the nature of a tree? Supposedly whatever it takes for a tree to be a tree—this one, that one or another—constitutes its nature. And so with the nature of anything else. That which makes something what it is—those aspects of anything that make it what it is—are its nature. And we state the nature of something when we give a definition of the concept or word we use to designate, refer to, or think of it.

Yet it may be objected that our definitions change all the time. The concept "atom" was once defined by reference to some set of features or aspects, only to find that some years later that definition was superseded. Does this not imply that the nature of something changes periodically? And if that is so, what force is there to knowing what makes the thing what it is? After all, what makes it what it is today might change tomorrow and then it will no longer make it what it is. So why should we care about the nature of something anyway if it doesn't give us what we are looking for, namely, some measure of stability in knowing what something is?

The same point can be made about human nature. Perhaps human nature consists of people being thinking animals. This has certainly been one of the more prominent definitions—stating the nature of Man, human nature, the nature of human beings. But if we have to admit that this could change, why bother with it in the first place?

We could respond provisionally by noting that half a loaf is better than none. If some general statement of the definition of something is going to be true for at least a while, why quibble? For that long we can use it and economize by not having to check it each time anew before we can say some things about it. Human beings are thinking animals, so we know at least that they are mortal, since animals are mortal things. And we know at least that they will have to engage in some thought—use their minds, think, conceptualize, form ideas, whatnot—in order for them to function well as human beings. And if human nature should change, we may have to think all this through again, but in the meanwhile we have managed to economize.

There is a great deal to the controversy about whether we can usefully discuss "the nature of X." But if we do not ask for too much from that idea—if the nature of something does not have to be some

impossibly, timelessly fixed, firm-forever set of characteristics—than we can make good use of it. Furthermore, if we have done our homework and managed to identify the nature of something carefully, then, when there is need for change, we would have to be provided with good reasons for that change. Simply because a change might occur it does not follow that it will. So it is possible, also, that human nature has been roughly the same for very long indeed and no good reason exists to accept that it has changed.

Generosity and Human Nature

Now given this much, we can ask what it is that makes human beings human. The answer will give us some clue as to why generosity, even though a trait inclining us to benefit others, is nevertheless a trait that also enhances our own excellence, makes us better human beings.

For one, human beings are thinking animals, indeed. And their thinking ability immediately suggests that they can greatly enhance their lives through communication, interaction with others.

Generosity is doing what is helpful to other persons, mostly in those circles in which others are reasonably well known to the generous person. The beneficiary of generous conduct is not benefiting from some duty or obligation that is due—i.e., a sense of justice, e.g., the respect of his or her rights as a child or a citizen or a party of a contract. Rather the beneficiary is benefiting in a respect bearing on his or her individual circumstances—what he or she might enjoy, need, want, etc. To know about another that he or she enjoys, needs or wants certain things, one must know the person reasonably well. (The more institutional forms of generosity have acquired the distinct designation of philanthropy or humanitarianism.ⁱⁱ)

Generosity, then, is a good trait because with it we are more than less at home with the world, given what we are and ought to choose to become. By bestowing upon some others—ones we know well enough to benefit as a matter of our second nature, almost "on the run" or automatically—various goods such as time we have to spare, skills they could use, some article of value, money, etc., we partake of the positive upkeep and improvement of our community. We may not be making extreme sacrifices by being generous but we are going beyond the call of duty or obligation. We contribute with this to an atmosphere of congeniality.

Virtues and Good Actions

Does what we have been saying thus far imply that generosity is always going to be something worthwhile, something that invariably vindicates or merits its habituation or cultivation?

No. Generosity can be extended indiscriminately. Since it is a trait or inclination, unusual circumstances can present themselves for which our generous nature may not be prepared. In those cases we could be, as one may say, "generous to a fault." Of course, if we are indiscriminate, negligent, reckless in how we extend ourselves toward others—if we keep giving or helping with what harms others or give to or help bad people—then our trait can no longer qualify as a virtue at all. We will be regarded gullible, foolhardy, irrational, albeit perhaps generous. This is why generosity is not always a virtue. So even if we are generous and in most cases, therefore, incline to do good for those to whom doing good is indeed a good thing, there can be occasions when we could be generous to a fault—behave generously in such a way that our generosity has misfired and ceased to function as a bona fide virtue.

This suggests that for generosity to be a virtue it needs to be accompanied by some other virtues and moral characteristics which will give generosity its needed limits. And it is clear enough from an understanding of the moral perspective that concentrates on virtues that generosity will not by itself ensure a successful, good human life. We all require other virtues or moral characteristics. Furthermore, quite possibly it is insufficient for a successful, good human life to rely entirely on our virtues, since these are more or less automatic in the way they guide us. As such, actions flowing from virtuous traits alone would not be expected take into account unheard of, novel or surprising situations. These present to us circumstances we are not familiar with and thus any cognitive preparation by which our virtuous actions are nearly automatically activated would be absent.

Generosity Briefly

What then about generosity? It is a trait that can be habituated or cultivated and it inclines one toward benevolence toward others—to do what is good for them as a matter of second nature, so to speak. It depends on familiarity with the usual beneficiaries so that it can be a virtually subconscious guide in one's life. It can go astray, now and then, when the evidence that would bring it to the fore in its usual circumstances—i.e., when one is in the position to share good fortune or reward for hard work—misguides one to benefit someone who is undeserving or to extend to someone what in fact is harmful. And generosity, as other virtues, is not fully reliable as a guide to action. It requires the operation of other virtues and also a kind of moral monitoring or supervision whereby the person can cope with unfamiliar tasks.

Individuality and the Virtues

To conduct oneself morally, to follow the dictates of the virtues and other ethical principles, is to choose to live well. This choice may gain much from community supports—parents, neighbors, idols, leaders, ministers, friends, etc. But in the last analysis it is morally significant only if it is the choice of the agent who is engaging in the moral conduct at issue.

While in many spheres men and women live by other than total self-reliance, their moral lives—as it is put at times, in their soul of souls—they are alone. Here is where they come off as better or worse people.

For this to be possible in society, there must be a certain distance between individuals, at least once they have reached adult hood. There must be individual sovereignty. This does not require actual separateness or isolation, as some might imagine, only a knowledge of where one's sphere of moral jurisdiction lies. Within that sphere, one is responsible for one's choices. And if that sphere is invaded, moral responsibility gets very confusing—a type of tragedy of the commons is generated, just as when people don't know where the physical limits of their jurisdiction lies and start getting in each other's way even without actually choosing to. Cooperation, friendship, neighborliness and the rest all gain their human quality from being in part a product of ever so subtle yet individual choice, of ever so tacit yet personal decision.

Basic individual human rights spell out the conditions for cooperation (and needed mutual compliance) among strangers or non- intimate adults. They are principles that spell out the basic, most fundamental moral requirements of human community life. (They are, of course, derived from more basic moral principles that spell out how human beings ought to live as individuals in or out of society.)

Rights as Social Guidelines

Individuals have rights to life, liberty and property—which is to say, no one in society may murder, kidnap or assault and steal from or rob another. These are negative rights—they impose on others the enforceable duty or the legal obligation not to act in certain ways, not to invade other people's private domain, jurisdiction or sovereignty. (The operative term here is "private" or "sovereign" and we will discuss it later.) Positive rights, in turn, are supposed to spell out duties to provide some service to the rights-holder. But positive rights are not basic rights. They arise from the explicit or implicit consent of individuals—e.g., contract, reproduction.

This is not the place to defend the claim that basic human, individual rights are negative. I have argued this elsewhere.ⁱⁱⁱ But a few points need to be offered to explain the position since there is in our time considerable sympathy for the view that basic rights ought really to include some positive rights, e.g., the right to health care, social security or education. The point of these remarks is to stress that these are benefits that may or may not warrant public provision, yet they are not basic rights since they limit the authority and jurisdiction for individuals in the sphere of choosing or neglecting to choose to do what is right.

The reason basic rights are negative is that their function is to provide adult persons with a sphere of moral authority or jurisdiction. This is due them because of their moral nature, because they have moral tasks in life that they ought to fulfill. Intruding on their sphere of moral jurisdiction would amount to thwarting their moral agency. And basic rights spell out where the conduct of others would or would not amount to intrusion. That is why the "border" analogy is useful, even if it runs the risk of giving an economic image of a person's sphere of moral authority. Moral agents require borders around them so as to know what their responsibilities are and where others must ultimately leave decisions up to them.

Now the above position is one that many philosophers find controversial. And since the claim plays a vital role in my argument, it deserves some development. Let me then note first that if someone is forced to behave in a way that morality would require, that person cannot take credit for the conduct involved. One might argue, of course, that the person would have chosen the behavior, so credit may be taken. But this kind of counterfactual claim is not defensible in this case unless there is a history of the person having chosen to behave in that fashion at issue. That is, any credit due to forced behavior is parasitic on prior credit due to unforced behavior.

If one's negative rights—e.g., the right to private property—are violated, one's sphere of jurisdiction is diminished. One has to engage in conduct that others have a decisive influence upon—one may require permission, support, resources, etc., that come from some group or from the society. The explanation of the action is not oneself but oneself plus all these others. Of course, one often finds oneself praised or blamed for conduct taken in others' company—for example, an orchestra misinterprets a composer's music, a corporation mis-invests stockholders' funds, a team plays out a wonderful strategy, or a military squadron is victorious over a vicious enemy. Members of these groups are often blamed and praised, respectively.

Yet the members usually join these groups or are assumed to share the groups' objectives or commitments. Indeed, when this is in doubt—as, for example, with drafted soldiers who belong to the squadron—so does the blame or praise become doubtful. In the most extreme case, slaves simply cannot be blamed or praised for the order they carry out (unless, of course, they are not de facto slaves at all and were at least de facto free to avoid those orders).

It seems, then, that if one does not enjoy sovereignty in the moral realm—both in the sphere of reaching moral conclusions and in implementing these in action—the notion that one may be morally appraised seems to be undermined. Since negative rights—to life, liberty, and property—secure the sphere of sovereignty for each person (in that they are the "borders" around a person within which he or she is sole ruler), and since such sovereignty is essential to full moral agency, the virtues that depend on moral agency would seem clearly to require respect for such negative rights.

Private property rights, is of course, the most controversial case in point. Such rights exclude others from sharing in the wealth they might be able to make very good use of and may well need for their very survival in some circumstances. At times, then, private property rights can be contributory to situations that seem morally repugnant. With private property rights intact, someone can freely choose to be callous, cruel, heartless, ungenerous and uncharitable.

Yet private property rights are also the concrete expression—the practical manifestation—of the rights to life and liberty. If I have the right to be free to worship, if I haven't the right to own—or someone else with whom I would worship hasn't the right to own—what we might call the props for worship, what does my right to freedom come to in practice? Nothing. If I have the right to express myself in print—as in reference to a free press—but lack the right to own a printing press, paper, distribution facilities, etc., again what is the practical import of my right? Nothing. (This seems to be quite evident in such systems as the former Soviet Union where the state or the collective owned the major means of production and individuals were dependent on the authorities representing the collective when they intended and embarked upon publishing something.)

Let me just spell out a possible scenario in which the above points would be manifest. If Sam has a sphere of moral authority, and this sphere is indeed respected and protected, it will be Sam's task to do what is right and abstain from doing what is wrong in his life. For example, if Sam should, morally, develop his artistic talents, it needs to be left up to Sam whether to do this or not. It must be Sam's decision to do or not to do the act. If Judy were to force Sam to enter art school, say by threatening to harm Sam, even if Sam became a successful artists, Sam could not take credit for the decision to pursue art. It might seem that Judy could, although it is not she who became the great artist but Sam. It is, first of all, wrong for Judy to thwart Sam's chances for doing the morally right act (even though Judy also prevented Sam from losing such credit or gaining blame for a bad one).

As such Judy's basic moral responsibility toward Sam, a stranger to whom Judy is not bound by other moral considerations—contract, parental obligation, or fraternity—is to refrain from intruding on Sam. Sam has basic rights to life, liberty, and property, and it would be wrong for Judy to violate or abridge these rights, even if Judy has a correct view of the objectives Sam should pursue. It is a denial of Sam's moral agency by Judy, an assault on Sam's dignity as a human being and moral agent, to substitute Judy's decision for Sam's in these kinds of matters.

To put it another way for my purposes, there can be many ways for Sam to benefit from Judy. But here, again, whether Judy will impart them or not is a matter for Judy to decide, even if it is evident enough to others that Judy ought to impart them. Sam has no right to such benefits, only to Judy's abstaining from intruding upon him.

Now if Sam's sphere of sovereignty is unspecified or indeed does not exist at all, Judy will not be able to know what limits of action apply to her vis-à-vis Sam. Is Sam's body at Judy's disposal to use? Sam's skill for producing music? Is Sam's productive result of a chair made out of wood Sam found about in the wilderness where none has laid claim to any of the raw materials? (It is possible that the

famous tragedy of the commons results largely from this indeterminacy of a person's sphere of sovereignty; with everyone eager to attain various worthy goals, it is no wonder that without borders there is overuse of resources.)

I do not wish to suggest by this example something Marx focused on, namely, that "the right of many to property is the right to enjoy his possessions and dispose of the same arbitrarily, without regard for other men, independently of society, the right of selfishness."^{iv} Persons with the right to private property do indeed have the right to "dispose of [property] arbitrarily," but need by no means do so. Indeed, arguably, if they do so, they will soon be rid of the property they have a right to—it will go to waste.

There is a lot more that could be said in support of basic (including private property) rights, including whether they are negative or positive. Suffice it to add that no more than the requirement to observe these negative individual human rights may be forced upon strangers as they relate to each other. That is because the rest of what they should do must lie within their own jurisdiction if they are to enjoy their full moral agency. It pertains to them, to their own moral space, whereas respect of everyone's natural rights is required for the preservation of the moral space of every one. And so as to avoid the problems which stem from the occasional recalcitrants, institutions to secure the rights in questions should be established—ergo, government. (The "should" here comes from the imperative that one ought to do what makes it possible for one to flourish as an individual human being. To be prudent about the debilitating harm others can do to one is a clear example of a kind of virtuous, namely, prudent conduct.)

Rights and Generosity

How does all this apply to our topic, generosity? We must note, first of all, how respect for rights is not in the same moral category as the practice of the virtues. For example, when another is owed something by right—not to be killed, not to be kidnapped, etc., or the fulfillment of the terms of some special relationship such as a contract or parental guardianship—granting what is owed is not a matter of generosity, nor, indeed, a matter of practicing some other virtue. While there is an element of goodness toward others involved in respect for their rights, it is the acknowledgment of the other as a person. Furthermore, it is also the kind of conduct that when it is not granted freely may be compelled. The reason is that the very act of interacting with other human beings who are rational moral agents, implies that one is committed to living by certain standards that respect their nature as rational moral agents—including the fact that they ought to protect their own moral sovereignty.

Respecting others' rights does not lack moral content but that content must be traced back to the choice to be a peaceful participant in human community life. That content enters by way of a deliberate decision to do the right thing, to act in line with certain principles of human interaction. And when one is compelled to abide by that deliberate decision, the compulsion is justified because it is akin to the extraction of a debt that is due or the enforcement of a contract that is binding, in both cases by the explicit or at least tacit choice of the agent being compelled.

We may then put the point generally: generosity requires a kind of community life in which one's sovereignty is acknowledged—i.e., where a person has jurisdiction over himself or herself, including his or her belongings. Of course, while it may not be officially acknowledged, as long as one's sovereignty is recognized by oneself and one's fellows, even if only tacitly, the opportunity for virtuous and thus generous conduct exists. The point is that moral sovereignty^v must be a fact that is taken to be a fact by the relevant parties—those who could act on that fact or act in defiance of it.

Furthermore, let us assume that moral sovereignty were impossible for us—if we relate to our society, race, nation or humanity as a whole in the fashion our arms, ears, heart, or lips relate to each of us as we understand ourselves in common sense terms. Then we would possess no moral virtues at all, since morality is possible only where the possibility of and capacity for initiating some choices is also present. One does not praise one's arm for a good discus throw, except figuratively. One's eyes are not given moral credit for having correctly detected a disease, even if the eyes played a role in that detection. In short, if we are part of a collective whole, we cannot be regarded as moral agents and our good traits would not be moral virtues. Let us consider a person who is not a sovereign. He or she is part of a tribe or a state. He or she has nothing of himself to give, to contribute for the benefit of another—including labor time, property, talents. If we were really merely elements of a larger whole—as in Marxist communism and using Marx's own terms, elements of the "organic body" of humanity—there would be no opportunity for any of us to choose to give or to cultivate a giving personality or character. We would have nothing of our own and we would have not jurisdictional authority over anything on our own.

Some might consider this unfair? didn't Marx, after all, make room for at least personal property for everyone?^{vi} Given that we do have the right to personal property, would this not make room for generosity within a Marxist collectivist system?

Two objections face this response. First, the line of demarcation between private and personal property is hopeless in Marxian theory. Second, if one makes use of the standard idea that personal property is not a significant "means of production," which is why one can an individual right to such property in the first place, its social uses are nil. So one would have no reason to be generous with such property? no one else could make any good use of it. The second that personal property acquires social usefulness, however, it is no longer "personal" but "social," to which one no longer has an individual right. Although it may appear that one is mostly generous with personal possessions, that is not the sort of generosity? minor gift giving? that we are concerned with in exploring whether generosity is likely to make a difference in different kinds of socio-political systems. Philanthropy is a significant sort of generosity and certainly goes way beyond giving away one's used clothes or household appliance. Such generosity requires the entire range of private property associated with capitalism, not anything that Marxists would allow as socialist personal property.

Institutional Generosity

In complex social circumstances men and women will not engage in generous conduct the same way they would in simple social settings. When the people one knows and with whom one shares goals and values live scattered about the country, connected only by complicated technology, the way one will act generously will differ from what this would amount to living in a medieval village. Giving some seed to a neighboring farmer friend in times of bad harvest so he might recoup his losses could be an act of generosity, just as sending a copy of the phone numbers of prospective customers to a fellow merchant by way of one's modem might be in late 20th century.

But there is more to it than the technology. Institutional generosity emerges as a process of trust between like-minded persons interested in assisting those who would promote ends that are of mutual value. Philanthropy can be one outgrowth of this. Learning that there are deserving persons with whom one shares an interest in some political, artistic, literary, naturalistic or similar cause, one might elect to choose an intermediary in disbursing some valued help. Contributing to a wild-life fund that will enable

those most expert at the task to perform most effectively is an example of such extended or institutional generosity.

This may appear to contradict the non-deliberative, spontaneous character of generosity we discussed earlier. Surely, writing out a check each month and mailing it off to some organization would seem to be (a) deliberative and (b) impersonal.

Yet this is only an appearance. The choice to give to either the intimate or remote beneficiary could well be something spontaneous, the result of one's second nature to be alert to opportunities that call forth one's help and support. And the knowledge of shared values would make someone remote and not familiar to one still involve in a personal way to distinguish him from strangers whose values and goals one does not know.

The Generous Commonwealth

Without (the recognition of) the moral sovereignty of human individuals, generosity would appear not to be possible. It could only manifest itself in occasional rebellion against the general social structure, as when in communism someone acts generously but thereby must break the rule of communal ownership. Even in voluntary communes, generosity—special benevolent outreach toward another persons—would have to be viewed with suspicion since it might tend to undermine the disciplined prior obligation of all toward the whole! Whatever the merits of such communal moral living, this shows at least that generosity would not be a virtue under such a system. It is incompatible with any kind of actual collectivism—i.e., an organization where the sovereignty of the individual is effectively rejected in favor of total subservience to some common purpose—whether freely accepted or imposed.

Of course, as noted at the outset, without effective sovereignty there would be nothing about which one could make a morally significant decision. All virtues presuppose the moral initiative of the individual person who possesses or lacks them. But it is especially important for my purposes, which include stressing the appropriateness of a natural property rights capitalist polity—that no room would be left for generosity—the choice to benefit others with one's skills, belongings, etc., without a system that secures one's sovereignty in choosing who will benefit from actions one undertakes. The very impetus for wishing to supersede or abolish capitalism seems often to be that it fails to involve sufficient generosity, benevolence and cultivates, instead, greed avarice, and profit seeking. Yet if my argument is right, it is just such a system that is required for generosity to flourish.

Both direct personal and more extended institutional generosity presuppose a human community in which a significant degree of personal sovereignty is extant. Such a culture would also have to include a significant degree of respect for a system of stable private property rights. The reason is that if one had no decisive control over some valued items from which others can benefit, one would have no way to make the personal decision to extend such benefit to others.

Such a system would have to be extensive enough so as to permit the development of habits of ownership of valued skills, items, time, etc., on the part of individuals. Only with such a stable system of private property rights could generosity be expected to become part of the character of members of the community.

The lack of generosity would generate not so much particularized guilt but the lack of self-esteem on the part of those who fail to be generous. This, too, presupposes some stable sense of personal sovereignty and private ownership.

Integrity and Generosity

Virtuous generosity requires support from a polity that does not usurp personal virtue and a community that does not expect such usurpation to take the place of personal virtue. We have already noted that this implies that the neglect of generosity by someone would have to be politically but not morally tolerated—it is being generous to a fault to tolerate unexplained lack of generosity in many others. Morally a lack of generosity is wrong, unless exceptional circumstances justify it (e.g., illness, catastrophe).

Yet, moral virtues are matters of volition—as they must be so as to constitute a source of moral credit or blame for a person. They could only be unforced attitudes and predisposition rather than regimented behaviors. And political tolerance of lack of generosity would be proper. This means that no one—no Robin Hood or government—would act properly to ban it. This is so even as moral tolerance of this lack would be wrong. (This is well recognized in the case of journalism and intellectual conduct—bad reporting should be morally criticized, from the position of journalistic ethics—but not censored. Bad arguments ought to be condemned but not legally/politically forbidden.)

So it seems that a liberal social order, one that recognizes individual sovereignty, is most conducive to the possibility of generosity.

Yet is it not unreasonable to focus exclusively on personal virtue when discussing the question of the possible generosity of a polity? We have already noted that there is ample room for institutional generosity in a good human community. Firms, clubs, churches, schools, and all may, by virtue of being managed by human beings themselves capable of virtue, institute more or less generous policies in the appropriate sphere of their organization's operations. Why not extend this possibility to government?

Here are some initial reasons why such extension might not be appropriate, although we will have to see whether these are decisive. For one, there is a serious danger to the integrity of a legal administration if its administrators yield to considerations of generosity in how they carry out their duties. The appropriate analogy would be the way a referee or judge behaves at an athletic event. When judging a diving competition or refereeing a tennis tournament, those who are entrusted the responsibility for judging correctly and faithfully—i.e., by strict adherence to the standards—have no option to interject some other consideration, such as generosity or kindness. The integrity of the role demands that only what is called for from the position being held—judge, referee, umpire, etc.—be taken as a guide to conduct. The same may be said for the role of teachers as graders, for the role of parents as fair-minded adjudicators of sibling disputes, etc.

Generosity vs. Fairness

Of course, someone may have a need for some special attention in the course of an athletic contest. Were a player to fall and hurt himself and should one have some special skills quite apart from the role he or she has taken at the match, this special skill might well come in handy and could be extended. That could be a gesture of generosity. To jump off the referee's seat at a tournament when a player has fallen and offer one's first aid skills could be a generous act that in no way compromises the role one has taken as referee. When a doctor helps a patient in some issue unrelated to medicine, say in providing financial advice or clues as to where one might find the best real estate agent in town, there is generosity, but not at the expense of duty or professional responsibility. But if in the course of an operation the surgeon were to leave so as to help some other patient with some personal or even professional problem, it is very likely—barring some peculiar circumstances—that a breach of duty would ensue.

Similarly, when a police officer, who is walking a beat, is asked for directions by a person lost in his or her vicinity, a helpful and courteous response given, provided no duty is being neglected or breached, would by no means involve anything inappropriate. And this already gives us a clue as to the nature of generosity on the part of governments.

The central issue is what are governments for. For government there is an especially crucial issue at stake with not extending itself in special ways toward some members of the public, while doing so toward others. That is especially so if even a modicum of democratic theory of government is sound. Fairness is a vital virtue of governments, since these organizations are enlisted or contracted for by the entire membership of the community. Any special treatment would very likely imply resources used for some citizens that would be taken from the resources of all citizens.

Consider as a rather extreme case of this deficit spending, a way to finance certain services from which no revenues have been found. This may be deemed a generous thing to do, but in fact the act involves breach of duty to those who later will have to repay the debt and yet have had no say about how to allocate what they will be paying into the treasury.

Emergency and Generosity

We have characterized the virtue of generosity as a kind of trait that inclines one to extend oneself toward benefiting others in a spontaneous fashion, except for some of its more remote manifestations—i.e., through institutions. We have also noted that generosity is a virtue when its development and practice is a matter of human choice. As such it requires the presence of a community in which the sovereignty of individuals is granted and respected. That sovereignty, in turn, implies the institution of the right to private property since to make decisive and responsible choices a person needs to act within a determinate realm of nature, a realm—great or small—within which he or she alone governs or chooses what will happen.

Unless there is widespread voluntary acknowledgment of such sovereignty and suitable conduct that accommodates this, a community must at least have this sovereignty of individual human beings vigorously protected. This is necessary for any virtue to flourish, but especially for generosity because of its involvement with the disposition of what persons own, including their labor, skills, property, time, etc.

There remains only one point to be covered, rather briefly, namely, whether governments themselves would ever be morally obliged to be generous. Would this not undercut their own rather particular mission of maintaining and preserving justice? Would it not make them into wealth redistributors and thus instruments of regimentation of human action which would impede the possibility of individual and voluntary social virtuous conduct? Furthermore, if governments need to remain scrupulously fair in the performance of their primary mission, how could they remain fair while also extending themselves generously toward some people in society? If the duty of fairness is so vital in government, and if generosity consumes resources and extending it would generally involve favoring some citizens over others, would not all cases of generosity involve some breach of duty?

No. This is because even for government there are possibilities for extending oneself without breach of duty, as spontaneously as this is possible for an institution. This is where we find that government can enter the picture in times of catastrophe—earth quakes, floods, etc. But it would not enter as a matter of its primary obligation or job description but rather as a gesture of good will toward persons in need of emergency services. Even here provisions might be made in society that would render it superfluous for governments to leave their posts, as it were. Yet, just as the cop on the beat would help an elderly

person who has fallen down—though not perhaps while in pursuit of a criminal—so a government could probably legitimately extend itself, temporarily, for purposes of assisting someone or some group in dire need.

The point here is not to defend in full the relationship between the virtue of generosity and the precise character of good government. What I wanted to do is to indicate how a conception of generosity as a vital human virtue would relate to a conception of a good polity that stands ready to preserve the conditions required for the development and exercise of that virtue.

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vi See, for an discussion of the place of personal property in Marx, Thomas Keyes, “The Marxian Concept of Property: Individual/Social,” in Tibor R. Machan, ed., *The Main Debate, Communism versus Capitalism* (New York: Random House, 1987), pp. 311-330.