

Abstracts of presentations

Thursday, March 24, 1:00-1:50pm

Dennis Lunt, Department of Philosophy, Southern Illinois University, Carbondale
“Freedom for the Faithful: the Radical Reformation and American Libertarianism”

The central philosophical commitment for many of America’s libertarian movements is freedom of conscience. For many libertarians, the free conscience is both the means to and the end of political actions. The intellectual sources of this commitment are diverse and often antithetical. Puritanism, Scottish common-sensism, New England transcendentalism, classical liberalism, and various strands of anarchism all inform the libertarian conception of conscience. I would argue that the Reformation-era debate over the meaning of the conscience, and over its political relevance, informs many of these traditions. For that reason, I investigate how Reformation political theology informs both religious and secular articulations of freedom of the conscience within libertarian thought.

The Reformation theology of the conscience is ambiguous. On the one hand, Martin Luther and some of his interlocutors defined the free conscience as one capable of moral dissent from the state. Over against the Platonic tradition, the conscience represented a direct, individual apprehension of the good, such that conscientious minds did not need or permit state administration. On the other hand, Luther restricted the free conscience to “true believers” and licensed the state to discipline the rest of their subjects with force.

This debate is crucial for understanding contemporary libertarian thought. For libertarianism, as I understand it, limits state coercion to give the free conscience greater scope. This project requires alternatives to the classical Platonic tradition, which gives the state the responsibility for the moral education and administration of its people. Luther and what has come to be known as the “radical Reformation” are one of the most foundational sources for this alternative. After sketching the Reformation debate over the political role of the free conscience, I will discuss how the Reformation debate continues to inform even secular articulations of libertarianism. The ambiguity is sketched above is often recreated in non-religious libertarian movements.

In closing, I briefly consider the strained relationship of Christian fundamentalism and libertarianism in American politics. Religious libertarian movements are often subsumed with other religious movements under the ubiquitous label ‘the religious right’. Though the characterization is often fair, it should not lead us to overlook the ambiguous confluence of fundamentalism and libertarian ideals. Many American fundamentalist movements claim the title ‘libertarian’, but struggle to give theological articulation to libertarian tenets of minimal governance, freedom of conscience, and non-militarization of civil society. I suggest that this struggle is sourced in a political theology that, while in principle a check upon the expansion of state sovereignty, undermines the freedom of conscience that would permit dissent from state violence. I argue that Luther’s account of the secular state complicates attempts to give religious articulation to libertarianism in American Christian fundamentalist movements. Though Luther’s thinking gives theological support to the limitation of centralized government, in practice his theory enforces an acquiescence to state violence (and hence an extension of state power) – especially that perpetrated against foreign, “pagan” populations.

Thursday, March 24, 2:00-2:50pm

Emma Friedman, Department of Philosophy, University of Wisconsin, Milwaukee

“Slave Contracts and the Kantian Basis for Individual Rights in Libertarian Theory”

The right of self-ownership is an essential element of liberty in the libertarian conception. On this view, individuals “own” their productive capacity just as they own their labor or the products of their labor. Libertarians claim that there is a logical connection between owning one’s productive capacities and owning oneself. Ownership and property are conceived in absolute terms and, in their defense of the ultraminimal state, libertarians argue that contracts are not to be interfered with by the state, except in cases of theft, fraud, or force. The state’s protective function is only permissible in those latter cases. Thus they claim that slave contracts between consenting agents are permissible, and further, that they must be enforced (as other contracts are enforced) using the coercive power of the state. However, many liberal philosophers have taken issue with this view—claiming this is not a liberal position. I, too, wish to critique this element of libertarian theory. I will consider how the argument progresses from self-ownership to consensual enslavement, and will discuss why the libertarian is forced to accept this position. When Robert Nozick first makes this argument, he appeals to a notion of Kantian personhood as the foundation for his right of self-ownership. I will consider an objection to the Nozickian position based on a reading of Kantian rights, primarily promoted by Robert Taylor. Ultimately, I hope to prove that libertarians’ permitting slave contracts on the basis of self-ownership is inconsistent with the Kantian basis for their very minimal conception of rights. Nozick’s own appeal to Kantian respect as the foundation for individual rights renders slave contracts unjustified. Then, once they are unjustified, they cannot be upheld by the state because they must be treated like invalid contracts. For the purposes of this paper, I take Nozick to be the representative of the libertarian position on this issue. Also, I will not make a distinction between left and traditional libertarians—as I understand them they feel similarly about self-ownership, and they will both defend ownership rights as absolute. And thus, they will characterize government intervention as interference in the same manner.

Thursday, March 24, 3:00-3:50 pm

Jonathan Edelman, Ph.D., Department of Philosophy and Religion, Mississippi State University

“Henry David Thoreau’s Yoga of Freedom: Libertarianism Among the Trees and Ponds”

Boston can be defined by its dualities in the history of American politics and intellectual culture. Although it held the first American tea party and fired the first shots against the British crown, it also imposed puritanical laws based upon an austere form of Protestantism (the infamous “Blue Laws”). Although Robert Nozick composed his famous defense of a minimal state in Cambridge, John Rawls also composed his famous defense of liberalism in the same location.

This paper, however, focuses on a different sort of duality that exists within libertarianism itself – the duality between its political theory, and its spiritual and moral ideals. The former is most notably articulated by Congressmen Ron Paul and Senator Rand Paul today, yet the latter is often overshadowed or conflated with the political theory. By libertarianism in this context I mean a sensibility within society that positively values the free pursuit of religious and moral perfections, and that creates as few blockages as possible in front of every adult’s development of his or her own search for meaning and purpose in ways that are non-violent and unconstructive of other’s free pursuit of meaning. A society that aggressively imposes

conformity to convention, either in its laws or cultural sensibilities is the sort of society it seems many of the American Transcendentalists had the most critical words for.

The ideals of spiritual and moral ideals of freedom and autonomy were articulated and lived powerfully by Henry David Thoreau, one of American's greatest non-fiction authors who was born in Massachusetts, studied at Harvard and settled in Concord to live a life of contemplation inspired by Hindu traditions. For two years and two months Thoreau escaped to the wilderness to live a life of self-reliance, simplicity, contemplation, and study of "Brahminical Theology," as an early commentator put it. Thoreau described himself as a Yogi, or a practitioner of yoga, and there are a number of ways that he, in his own distinctive ways, sought to emulate the Yoga practices he had read about in Vaishnava-Hindu texts such as the *Manu*, *Vishnu Purana*, *Bhagavad Gītā*, *Mahābhārata* and *Harivamsha*. Thoreau even translated (from French) a section of the *Harivamsha*. Looking at his ideas will highlight not so much the political policy or philosophical justification for libertarianism, but the moral and spiritual ideals of simplicity, self-control, religious and intellectual autonomy, contemplation and intellectual study that underpinned Thoreau's libertarianism.

Thoreau said in "Economy" from *Walden*: "With respect to luxuries and comforts, the wisest have ever lived a more simple and meagre [sic.] life than the poor. The ancient philosophers, Chinese, Hindoo, Persian, and Greek, were a class than which none has been poorer in outward riches, none so rich in inward." Later in the same chapter, Thoreau refers to the Vedantic theologian Shankara, retelling a story he used to illuminate the true nature of the soul: "So soul, continues the Hindoo philosopher, from the circumstances in which it is placed, mistakes its own character, until the truth is revealed to it by some holy teacher, and then it knows itself to be Brahme." Cleverly, Thoreau then engages Shankara's thought to critique the small-mindedness of New Englanders. Thoreau wrote in a letter to H G O Blake: "To some extent, and at rare intervals even I am a yogi." He said in his *Journals*: "One may discover the root of a Hindoo religion in his own private history, when, in the silent intervals of the day or night, he does sometimes inflict on himself like austerities with a stern satisfaction." After reading the Laws of Manu in Emerson's library, he wrote: "They are the laws of you and me, a fragrance wafted down from those old times, and no more to be refuted than the wind." And later, "I cannot read a sentence in the book of the Hindoos without being elevated as upon the table land of the Ghauts." Yet all throughout his *Walden*, which was primarily composed during his sojourn into the Concord wilderness, one finds important Hindu yogic themes, such as,

- the importance of "simplicity, simplicity, simplicity" (echoing both Rousseau's similar dictum),
- the virtue of complete and utter self-reliance yet at the same time the value of deep and long-lasting interpersonal relations,
- the need for the renunciation of ordinary work so as to create time and space in one's life for,
- quiet contemplation of an underlying spiritual reality as the end and means of life.

This paper will try to trace the references Thoreau is making to from Hindu thought (we now know which books he had in his personal library, which he most likely read in Emerson's library and the Widener at Harvard), examining the unique ways that he appropriated them, and make tentative suggestions towards a libertarianism based on spiritual and moral autonomy.

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Thursday, March 24, 4:30-6:00 pm

**KEYNOTE LECTURE AND MISSISSIPPI STATE UNIVERSITY COLLEGE OF ARTS
AND SCIENCES INSTITUTE FOR HUMANITIES DISTINGUISHED LECTURER**

Matt Welch, Editor in Chief, *Reason Magazine*, Washington, D.C.

“The Pre-Philosophy of Libertarianism”

Libertarians, almost uniquely among the ideological tribes, are routinely challenged by interlocutors to map the precise boundaries of their beliefs onto the never-gonna-be libertarian world we live in. Democrats, if you think about it, are very rarely asked about the "logical conclusion" of liberalism. Republicans are almost never obliged to defend, let alone describe, the "utopian" ideals of pure conservatism. The reason for this singling-out is not hard to fathom: Libertarianism in the political sphere is much more of an ideology -- and a radical one at that -- than a practical political grouping. Further, it's an ideology that stems directly from various seeds of philosophy, particularly (though not exclusively) of the economic variety.

So it makes sense to approach the job of defining and debating the merits of libertarianism by first engaging in some philosophical taxonomy. What are the gateway drugs to this particular altered state? Ayn Rand, whose *Atlas Shrugged* still sells hundreds of thousands of copies a year and will soon finally be shown in a movie theater near you, developed her own complete philosophical system, called Objectivism. Rep. Ron Paul (R-Texas), probably the biggest single entry point these days for young libertarians, talks to his charges about "perfecting your ideology," by which he means the "Austrian school" of business-cycle economics and individualistic philosophy championed by the likes of Ludvig von Mises. Murray Rothbard, an influential if more anarchic and activist font of libertarianism who managed to mix von Mises with Pat Buchanan, considered himself foremostly a philosopher. Friedrich Hayek and Milton Friedman, arguably the two most consequential economists (let alone free-market economists) of the 20th century, used their Nobel-winning intellects to make direct if incremental change to the statist status quo. Even the less prominent pathways to libertarianism have a uniquely philosophical bent -- the "skepticism" of magic-debunking atheists like Michael Shermer, James Randi, and Penn Jillette; the cartoon irreverence and resonant independence of *South Park*; even the feisty intellectual anti-authoritarianism of baseball "sabermetrician" Bill James.

But here's the thing: These people hate each other. Rand, arguably the most influential libertarian of the 20th century, repeatedly referred to libertarians as her "enemies." Rothbard called Hayek's greatest work "evil," and Rothbardians and Hayekians still wage a principled and often vicious war, in academia, between magazines, and online. Atheist skeptics cannot abide by politicians who talk about God, while socially conservative limited-government advocates nurse profound resentments against the above-it-all, too-cool-for-school types at *Reason* magazine. Far above and beyond the usual power struggles within any particular outgroup, libertarians seem hardwired to disagree violently with one another, to cast out the philosophically inaccurate and impure, to create real-world litmus tests no sane person could possibly live up to.

So rather than delve deeper into the competing philosophical sub-strains of an already over-philosophical grouping, this paper discusses the *pre*-philosophical impulses of a growing and increasingly important bloc in the American body politic. The areas of difference between anarcho-capitalists and monetarist-consequentialists, and particularly the insults hurled between the two camps, can be entertaining and occasionally illuminating, but sometimes the

philosophical trees can obscure the pre-philosophical forest. The fact is, the grouping of people who consider themselves "fiscally conservative and socially tolerant," who instinctively prefer capitalism to central planning, individual choice to bureaucratic control, Thomas Jefferson to Richard Nixon, is far larger and ultimately more potent than the types of people who fight to the death over who gets to use the word "libertarian." It is a bloc that is rapidly threatening to become the central swing vote in American politics, while pointing a flashlight out of the fiscal black hole we find ourselves in at the beginning of 2011.

In this paper, I will give a brief tour through the philosophical varieties of libertarianism (including his own bizarre journey via Martin Luther King, Hunter S. Thompson, and Vaclav Havel), trace the long-term trends toward political independence, and argue that 15 years of explicitly anti-libertarian public policy have placed libertarian-leaningers on the cusp of radically changing the course of state. We, and particularly those born after the end of the Cold War, are raised soaking in libertarianism, and the individual-based autonomy and creativity we learn there are being used to pressure the last outpost of sclerotic, top-down organization: government. Recognizing libertarianism as a pre-philosophical, pre-political tendency in American politics, supercharged in the Internet age, is essential to understanding how the 21st century will finally be dragged, kicking and screaming, into the future.

(Mr. Welch's lecture is made possible by a generous gift from the MSU College of Arts and Sciences Institute for Humanities Distinguished Lecturer Series, with additional contributions from the Department of Philosophy and Religion.)

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Friday, March 25, 9:00-9:50 am

MISSISSIPPI PHILOSOPHICAL ASSOCIATION INVITED PRESIDENTIAL ADDRESS

**Trisha Phillips, Ph.D., Department of Philosophy and Religion, Mississippi State University
"Libertarianism and Health Care Reform"**

(Abstract forthcoming)

Friday, March 25, 10:00-10:50 am

Ronald Orovitz, Independent Scholar, Cincinnati, OH

"Tax Power: A Proposal for Resolving the Great Antagonism of American Political Philosophy"

There are, primarily, two antagonistic strands in American political thought; these can be roughly traced to the contest between Hamilton and Jefferson. Respectively, one advocates trust in government - so long as it is a government for, of, and by the people, it will be a faithful servant to the people; the other warns distrust in government, for to govern is to violate the self-determination of the people and stifle the fruits of liberty. To reconcile the persistent contention between these, I propose a simple revision of the tax code that will satisfy both the general welfare that the Hamiltonian seeks to promote and the individual liberty that the Jeffersonian seeks to protect. I argue that we can do both if each side can be convinced to jettison a premise respective to each that is mistakenly taken as necessary to that which each holds most dear. The Hamiltonian will be asked to relinquish a strong central government; while the Jeffersonian will

be asked to accept some redistribution of wealth, namely in the form of the income tax. With one small alteration in the 1040 income tax form, the general welfare can be promoted in as much as individual liberty determines it. By moving line 40 (itemized deductions, which includes donations to not-for-profit organizations) to follow line 76 (tax you owe), and in subtracting the former from the latter, we can in effect dismantle central government whose functions are redistributed primarily to local organizations as preferred by the individual tax payers who are better positioned to recognize and address the general welfare. In essence, this single stroke upon the tax code will introduce to the public sector a laissez faire system of funding parallel to that which exists (at least theoretically) in the private sector.

In arguing against the necessity of a strong central government for achieving general welfare, I appeal to Hayek and his emphasis on specific and local knowledge in addressing socio-economic needs, which central planners have great difficulty in addressing. I take this argument a step further by saying that not only is there a great difficulty (which could conceivably be overcome with enough computing power), but that it is necessarily impossible for central planners to accurately model and address socio-economic situations; for such models include dynamic agents that can “monkey-wrench” the models within which they participate.

In arguing against the view that the redistribution of wealth is necessarily a violation of individual liberty, I engage Nozick on the question of what comprises the individual. Are any individuals entirely isolable from their social milieu? They are not and so they may be said to “owe” something to that milieu. Nevertheless, I argue that Nozick should be satisfied with the provision of this tax code proposal requiring that any redistribution of personal wealth must be decided by the individual alone.

Throughout, I make the case for a conception of sovereignty founded upon a dynamism of the distribution of power within federal, state, and local jurisdictions.

Friday, March 25, 11:00-11:50 am

Jacob Affolter, Department of Philosophy, University of Tennessee, Knoxville

“Could High Liberalism Ever Be a Second Best Option? A Defense of Libertarianism”

One common argument for high liberalism is that people with a wide range moral and religious commitments could accept it as the second-best option. Some political theorists argue that high liberalism offers strong protections to people with diverse moral commitments. On this view, libertarianism opens people with dissenting moral positions to the possibility of destitution and social ostracization, far beyond what liberalism would allow. Consequently, people with unpopular moral or religious views should prefer a high liberal polity to a libertarian polity. They might prefer to have a state that promoted their moral or religious views. However, if they can not secure such a state, their next best option is to live in a high liberal polity.

The goal of this paper is to argue that this view seriously underestimates the dangers of high liberalism. Many people think that high liberalism sets limits on how low a person can fall. This view is mistaken. In fact, high liberalism tends to produce massive and prejudicial government intervention against a wide range of reasonable points of view. The objection that libertarianism gives insufficient guarantees to minorities and dissenters must be assessed against a realistic estimate of what freedoms a high liberal state allows its citizens. Set against the risk of finding themselves opposed by the full power of a high liberal state, many people could reasonably prefer the risk that libertarianism would leave them bankrupt.

Friday, March 25, 1:30-2:20 pm

**Robert Mongue, J.D., Department of Legal Studies University of Mississippi
“Beyond the Minimal State”**

In *Anarchy, State and Utopia*, Nozick argues no state other than his minimal state can be justified. In this paper I contend that more than a minimal state is justified, or at least Nozick’s own state must ultimately entail more than the minimal state he postulates.

Nozick posits a framework for utopia that is itself minimal enough to allow separate communities to form around the differences in, and complexities of, people. While people have divergent values and divergent weighting for the values they share, those with similar values would be free to associate with one another and create communities. Thus, “Utopia will consist of utopias, of many different and divergent communities in which people lead different kinds of lives under different institutions. If indeed there is only one true utopia it will emerge through a process similar to the “invisible hand” process that creates a dominant protective association in Part II of *Anarchy, State and Utopia*. Here that process is characterized by Nozick as “filtering:”

The filtering process, the process of eliminating communities, that our framework involves is very simple: people try out living in various communities, and they leave or slightly modify the ones they don’t like (find defective). Some communities will be abandoned, others will struggle along, other will split, others will flourish, gain members, and be duplicated elsewhere. Each community must win and hold the voluntary adherence of its members. No pattern is imposed on everyone, and the results will be one pattern if and only if everyone voluntarily chooses to live in accordance with that pattern of community.

Nozick acknowledges that there are differences between any ideal model and actual life, and notes some of those differences. However, he also acknowledges that something quite similar to this filtering process has been noted to have operated in the real world since the beginning of civilization, “An illuminating discussion of the operation and virtues of a similar filter system is found in F. A. Hayek, *The Constitution of Liberty*...” Nozick fails to realize that any attempt to justify a state for humans must take into account who and what humans are, and how they interact as a society. Nozick’s premise that whenever someone’s boundary is violated he is entitled to compensation ultimately provides the mechanism for the state to incorporate everyone into it. Nozick’s “principle of compensation” works, he contends, while the “principle of fairness” does not. I argue the benefit of order enabling liberty compensates each user for the restraint that order imposes. The benefit *is* the compensation. Participation in society does not create a “floating debt” flowing from us to society, but the benefit we receive from society may compensate us for the restraint it imposes on us. I use Nozick’s inclusion of “enforcement of contracts” in his list of state functions to show that his own theory operates on this principle of benefits of compensation.

Friday, March 25, 2:30-3:20 pm

**Patrick Cullen, Ph.D., Justice Studies Department, Southern New Hampshire University
“In Defense of Traditional Human Rights”**

In considering the human rights policies of a sovereign, a functional definition of *human rights* is necessary. Unfortunately, the Uniform Declaration of Human Rights (UDHR) expansively defines human rights by employing a positive rights standard advocated by Jack

Donnelly. This expansive definition allows for the infusion of philosophical and political principles relating to justice not shared by all countries and societies. The lack of consensus results in a decreased ability to react swiftly and appropriately to per se human right violations, including genocide and ethnic cleansing.

Traditional human rights, or negative rights, are *most* essential to the definition of human rights in limiting future atrocities assuming a pluralistic society. By defining human rights within the context of traditional negative rights, greater consensus is possible among and between sovereigns allowing prompt action and greater protections. This standard may not serve as a perfect normative theory of global justice. However, the functionality of a traditional human rights approach far outweighs - in human life - the philosophical and political jousting of the global justice questions. This quasi-*statist* position will be defended employing supporting philosophies of Thomas Hobbes, Maurice Cranston, John Rawls, Thomas Nagel, and Joshua Cohen.

Friday, March 25, 4:00-4:50 pm

**Max Hocutt, Ph.D., Department of Philosophy (Emeritus), University of Alabama
“Libertarianism Without Natural Rights”**

Since Locke set the precedent, many libertarians have justified their preference for liberty on the ground that it is a natural right. According to the familiar story, liberty is a right that, having been given to us by God, cannot be taken from us by government. In other words, it is a right that we possess necessarily, solely by virtue of the fact that we are human, not because of any institution of law.

Unfortunately, this rationale has problems. First, it makes the justification for liberty depend on theological faith, not reason. Second, it deploys a concept of rights that lacks empirical meaning, so promotes demands for rights of all kinds, including some that erode liberty. Third, it does not jibe with the plain fact that some governments deny their subjects rights that, it is said, *cannot* be denied them. Fourth, so-called natural rights often lack discernible protections, but rights without protections are not rights in the literal sense of the word.

These problems arise because rights are the correlatives of duties. A has right R if and only if B has duty D; and B has duty D if and only if there is a recognized practice of protecting R by enforcing D. Hence, a right exists if and only there is rule governed coercion to protect it. But such rules are social conventions. So, there can be no rights apart from appropriate social conventions. This means, to use Bentham's unkind phrase, that talk of natural rights is “nonsense on stilts.” More kindly, it is a form of wishful thinking. In the language of rhetoricians, it is proleptic speech, claiming rights to create them.

No matter. Defense of liberty requires no resort to metaphysics. The negative duties that go with liberty rights require only that each of us refrain from forcibly interfering in the lives of others. Since the duty to do that is compensated by a like performance on the part of others, it is less burdensome and onerous than would be a positive and asymmetrical duty to help others. Therefore, it entails less coercion, so ought to be more acceptable to more of us.

That is the conceptual defense of liberty. A second defense is utilitarian. Overwhelming evidence exists that citizens of free societies are more prosperous and happy than subjects of dictators and tyrants. Furthermore, we know why. People free to do as they please may choose to engage in mutually beneficial cooperation, and that is better for almost all concerned.

A third defense is Aristotelian. Only free human beings ever develop their full potential. Instead, they remain stunted and stultified. If we want them to flower, we must make them free.

These considerations—one conceptual, one utilitarian, and one Aristotelian—seem to me to constitute powerful reasons to prefer classically liberal orders to the alternatives. We don't need no stinking natural rights.

Friday, March 25, 5:00-5:50 pm

John Bickle, Ph.D., Departments of Philosophy and Religion, and Psychology, Mississippi State University

“A Virtue Ethics Foundation for Libertarian Political Philosophy”

There are numerous critiques of natural rights from the perspective of normative ethics. One stems from J.L. Mackie's famous “queerness” argument. Regardless of what one thinks of Mackie's argument against *all* objective moral theories, this argument does seem to hold force against moral *entities* like natural rights. Recently Onora O'Neill has hinted at an especially difficult argument for libertarians who base their account on natural rights. Focusing on rights requires focusing on right holders, and this requirement directs moral considerations towards recipience—toward what the right holder is owed—instead of toward “active” questions of traditional ethics, such as what one ought to do or how one ought to direct his or her life. Any libertarian political philosophy that links individual freedom to the capacity to act—and it's difficult to conceive of real political freedom in any other way—must find troubling this “recipient” focus implied by a grounding on natural rights.

There is another possible and underexplored ethical foundation for libertarian political philosophy: contemporary virtue ethics. This view traces its lineage back to Aristotle's ethical writings. It emphasizes and expands on three components of Aristotle's account: an objective account of human flourishing and a strong commitment to the virtues (perhaps even necessity) towards living a flourishing life; the moral virtues as developed excellences of character; and a necessary role for practical wisdom in developing and exercising genuine virtue. While this account does require an extensive training regimen for turning “natural” or “potential” virtues into actual virtues, it also requires a minimally invasive political state. Part of this rests on the general distinction between real and only apparent virtue, and can be grounded in Aristotle's own distinction between possessing a virtue and merely acting virtuously (that is, acting as the virtue-possessing human does). But a more specific reason is that some key Aristotelian virtues, like courage and fortitude, can be neither developed nor exercised in a political organization that takes even a minimally paternalistic stance toward citizens' behavior.

Toward the end, and time permitting, I'll address the broader and more difficult question of reconciling contemporary virtue ethics with the “scientific image” of human being.