

BACHELOR'S THESIS EXAMINER REPORT
PPE – Bachelor's in Politics, Philosophy and Economics
Faculty of Social Sciences, Charles University

Thesis title:	The Limits of the Left-Libertarian Legitimation of Property
Student's name:	Lukas Baderschneider
Referee's name:	Janusz Salamon

Criteria	Definition	Maximum	Points
Major Criteria			
	Contribution and argument (quality of research and analysis, originality)	47	
	Research question (definition of objectives, plausibility of hypotheses)	14	
	Theoretical framework (methods relevant to the research question)	14	
Total		75	
Minor Criteria			
	Sources, literature	9	
	Presentation (language, style, cohesion)	5	
	Manuscript form (structure, logical coherence, layout, tables, figures)	5	
Total		19	
TOTAL		94	

Reviewer's commentary according to the above criteria:

Judging by the standards one may reasonably expect of a Bachelor's thesis authored by a student pursuing an interdisciplinary degree, Lukas Baderschneider's work is nothing short of a philosophical tour de force. The first thing that a reader notices is a supreme terminological fluency one might expect from a mature scholar and a wide scope of references to the relevant authorities in the field. His methodological self-awareness is also impressive. Despite having for its subject matter a predominantly Anglo-American political theory, the Author approaches the question of plausibility of the claims put forward by the leading exponents of libertarianism with a truly Germanic comprehensiveness which might perhaps be more appropriate in a large-scale treatment of the matter. Be as it may, the Author delves in a convincing manner into the

ontological basis and the historical provenience of the libertarian claims to legitimacy (mentioning even Aristotle, in compliance with the classical German scholarly formula: "schon Aristoteles"). In setting the stage for a thorough, wide-ranging and ultimately devastating "immanent critique" (following Axel Honneth) of the strong universalist claims of libertarians (that the libertarian institutional order is to be desired by all rational individuals), Lukas Baderschneider leaves no stone unturned. He starts by bridging, in chapters 1 and 2, the gap between moral philosophy and political philosophy that is often left unaddressed by the defenders of libertarian positions and show how the social contract thinking might in principle respect moral presuppositions of legitimacy (normative obligations of autonomy, rationality and morality as conditions of happiness being in principle reconcilable with the contractarian promise of a legitimate social order maximising everyone's individual utility vis-à-vis feasible alternatives). However, his close reading of the two most influential renditions of the libertarian theory (Nozick's „Anarchy, State, and Utopia“ and Buchanan's „The Limits of Liberty“), scrutinized against the background of the earlier Hobbesian and Lockean "solutions" to the problem of legitimacy of an institutional order based on the principles of self-ownership and private property that are implied in their contributions to this strand of political thought, leads Lukas Baderschneider to identifying antinomies and fatal flaws of the libertarian legitimation project. To be sure, this could be expected, as the application of the method of "immanent critique" when applied to political ideologies tends to uncover the impossibility of universal legitimation of the "first principles" they presuppose explicitly or implicitly. However, the extent of the ambition behind Baderschneider's thesis can be appreciated when after refuting libertarian claim to universal legitimacy, he announces "the necessary failure of genuine social contract theories", arguing that "normativity, rationality and in consequence legitimacy are subject dependent, thus temporally bound concepts; (...) It is nevertheless not a priori possible to determine any societal order or social norm to be legitimate or illegitimate as Hobbes tries to argue. It remains an empirical question whether the claimed mutual benefit can be redeemed in case of legitimacy. A legitimate social order can only be one that maximizes everyone's individual utility vis-à-vis feasible alternatives. Alternatives here describe the state of nature or the alternative orders that could emerge from the state of nature." The Author in this section of his thesis paints with a broad brush but the insight is impressive since it contextualizes every attempt at legitimation of any institutional order within the context of empirically measurable outcomes for a society organized according to that institutional order, thus limiting the universal applicability of any political theory. As to the shortcomings of the thesis, a clearer conceptual delineation of 'libertarianism', 'left-libertarianism' and 'right-libertarianism' at the beginning of the thesis and throughout the thesis would help the reader to follow the Author's line of argument. As things stand, I expect many readers (especially those who are not familiar with the work of G. A. Cohen) asking themselves on more than one occasion who among the authors referred to is a left-libertarian and who is a libertarian but not a left-libertarian.

Proposed grade (A-B-C-D-E-F): A

Suggested questions for the defence are:

- (1) Who among the libertarians whose work is discussed in the thesis are actually left-libertarians? Why the focus on left-libertarianism? Given the title of the thesis, why so much space in the thesis is devoted to the libertarians who would not identify themselves as left-libertarians?