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I Am Not a Kook

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Multiple choice: Which 2016 presidential candidate should this voter support?

She opposes hate-crime and hate-speech legislation. She dislikes fat taxes; she does like flat taxes. She regards prohibitions of smoking on beaches, or of using electronic cigarettes in public spaces, as evidentially unsupported and merely vengeful. She believes the federal government has bloated all out of proportion to its original purpose. She sees the federal, state and local governments commanding 38 percent of the economy as a fundamental infringement on our liberty. She perceives American business as over-regulated, and the United States' levying the third highest corporation tax in the world as economically idiotic. She resists the welfare state and affirmative action.

Easy — this red-state rube can take her pick. But it gets trickier.

She is also pro-choice and endorses same-sex marriage. She opposes school prayer. She is outraged about abuse of police powers, particularly in black communities. She disapproves of farm subsidies and other congressional backhanders to big business. She abhors widespread state surveillance of Americans' emails and phone calls. She would decriminalize assisted suicide, prostitution and not only marijuana but all drugs. She believes anyone should be free to publish visual depictions of Mohammed. While a feminist, she wouldn't restrict pornography, however grossly misogynistic. She is skeptical of foreign military interventions, most of which, during her lifetime, don't seem to have resulted in any real net gain for the United States.

If you guessed Rand Paul, that Kentucky senator may minimally approximate this voter's positions, save for the fact that, as of last week, Rand Paul has left the building. No loss, if for our prototype, as for many American women, Mr. Paul's anti-abortion stance crosses a red line. Which it does. For no surprise — "she" is I.

The mainstream of neither the Democratic nor the Republican Party (insofar as it has a mainstream anymore) represents my views, which qualify as left-wing or right-wing only on the basis of "eeny meeny miny moe." During the nine months a year I live in London, I'm regarded as an archconservative nut. When I fly home to the United States, I transform, mid-Atlantic, to a leftist radical — with the same opinions. That's because most of my progressive social positions are taken as the norm in Britain by just about everybody.

The socially progressive economic conservative in America has long been disenfranchised. A true foreign-policy conservative is equally at a loss. Democrats and Republicans vary in their eagerness to undertake foreign military adventures by only a narrow degree. Yet whether it's "leftist" or "rightist," my catechism is consistent. The rubric to which those positions hew — we should be free to do whatever doesn't impinge on the rights of others — forms the conceptual backbone of the United States. The Constitution is *libertarian*. To the extent that the unamended Constitution was flawed, it was more rigorous application of libertarian principles that abolished slavery and granted women's suffrage. Libertarians were way ahead of the pack on decriminalizing homosexuality.

We can at least thank Rand Paul for nominally refurbishing libertarianism so that it is halfway respectable. But the real mystery is why American libertarianism was ever marginalized (and why they marginalized themselves). David Boaz encapsulates the essential idea in last year's "The Libertarian Mind": "You learn the essence of libertarianism in kindergarten: Don't hit other people, don't take their stuff, and keep your promises."

Yet Chris Christie has declared that libertarianism is "dangerous." Its advocates' going on about property rights strikes communitarians as grabby, selfish and sordid. Libertarians are caricatured as regarding every man as an island. When I announced to my mother in the 1980s that I considered myself libertarian, she recoiled. How did people like me come to seem like kooks?

This discussion always rounds on hard cases. Do parents have a right to not vaccinate their children against measles? (No, and Rand Paul got this issue wrong in his own terms. Vaccine refuseniks infringe on the rights of their neighbors' children.) Individual rights can conflict with collective rights. Coercive legislation to secure clean waterways, breathable air and sustainable fishing practices seems good and necessary, yet un-libertarian. Climate change is unlikely to be sorted out by the free market. Both governments on brief electoral cycles and companies with shareholders hungry for short-term gains struggle to meet long-term goals.

The hardest case is immigration. Libertarians ought to believe that anyone should be free to live anywhere. In a crowded, mobile world of grossly disparate opportunities, open borders for wealthier countries are impractical. Little wonder that Rand Paul has championed American border security, not international freedom of movement.

In truth, few self-confessed libertarian candidates are purists. Mr. Paul's support for reclassifying possession of "very small amounts" of controlled substances as a misdemeanor is a far cry from calling for the across-the-board decriminalization that a true libertarian would promote (at his or her political peril). Mr. Paul also backed Social Security — anathema! the state saving for retirement *for you* — because the program is so popular. His advocacy for the "rights of the unborn," which run roughshod over the rights of us women who are already here, is glaringly unlibertarian.

I have my own inconsistencies. I have no problem with seatbelt and helmet laws. I support a minimum wage — a higher minimum wage — and laws forbidding racial discrimination in employment. There are simply too many crazy people, and I'm keen on gun control out of sheer self-preservation. Having enjoyed a largely positive experience with Britain's National Health

Service, I prefer single-payer health care — though in the United States, I'm not holding my breath.

But then, without allowing for qualifications, any standpoint degenerates from pragmatic guideline to inflexible dogma. Like any other broad political perspective, libertarianism can be a useful starting point, but if you apply it in a strict, quasi-religious manner, you'll indeed get consigned to the crackpot's corner. All viable political positions make room for exceptions — leering of foreign interventions need not preclude entering World War II — and contend with What Is. So there's little purpose to libertarians holding out for the elimination of the Federal Reserve or a return to the gold standard, especially since neither of those tired tropes flows inexorably from that core rubric that we should be free to do what doesn't hurt others.

I cannot be the only American repeatedly forced to vote Democratic because the Republican social agenda is retrograde, if not lunatic — at the cost of unwillingly endorsing cumbersome high-tax solutions to this country's problems. My comrades and I don't all sit around reading Ayn Rand novels, either. In fact, the abundance of my natural political bedfellows don't call themselves libertarian — though “socially progressive economic conservative” is a mouthful. We aren't bigots, and we're not evangelical. We're live-and-let-live about sexuality, accept man-made climate change and believe in evolution. But we're also concerned about the national debt, oppressed by an arcane, punitive tax code, and unenthusiastic about widespread dependency on the state.

Dismayingly, the more acceptable libertarianism has grown, the less often its principles are applied. Many Americans once defended the right of Nazis to march down Main Street; now defending the rights of people whose views we abhor has ceded to defending our right to take offense. Municipalities are ban-happy — forbidding anything from lighting up on your own balcony to putting a cookie in your kid's bag lunch to finding a saltshaker in your local restaurant. The total Code of Federal Regulations is now over 175,000 pages in 238 volumes, with compliance costs of \$1.75 trillion. Annually, businesses and individuals spend six billion worker hours on tax paperwork. No one has any idea how many federal crimes are on the statute books — anywhere from 4,500 to 300,000.

Confirming Milton Friedman's “tyranny of the status quo,” government all too readily expands and all too rarely contracts. Not impersonal abstractions but groups of self-interested individuals, federal, state and local governments will never willingly release their \$6 trillion grip on the American economy. It will be a miracle if we merely stop the usurpation from getting worse.

In the last few decades, this country has grown ever more oriented toward control freakery. Rand Paul was an imperfect counterbalance to this trend, if only because neither he nor his father, Ron, before him had the commanding personal presence to win, and lead from, the White House. Yet I hold out hope for a more formidable successor in the years to come. Voters like me — who believe that environmental quality, health and safety, and security needn't be purchased at the cost of our liberty, and who defend the right to make our own mistakes as a crucial aspect of being human — deserve political representation. We're ornery, and we don't like being told what to do, but we're not kooks.