

THE DAILY DISH

OF NO PARTY OR CLIQUE



The Trouble With Non-Libertarians

31 Dec 2010 01:59 pm

by Conor Friedersdorf

As I read Chris Beam's [piece](#) "The Trouble With Liberty" in *New York* magazine – as a fan of his work I'm thrilled that he's writing there – I kept feeling as if a flip in perspective would demonstrate that a lot of what is asserted is backwards, or limiting, or incomplete. To be fair, this is probably to be expected: I've thought quite a lot about libertarianism, and I'm very sympathetic to it. Beam was writing as a good faith critic trying to sketch the philosophy for folks unfamiliar with it. (And he gets a lot right, along with getting [important](#) things [wrong](#).)

What I hope to show his non-libertarian audience is why they ought to think of the political philosophy more sympathetically than they might if they only read Beam's article, and help them see why the piece seems flawed to a libertarian's eyes.

Here goes.

Early on, Beam says this about controversial TSA screening procedures:

For one beautiful moment, the whole political spectrum—well, at least both vocal ends of it—seemed to agree: Too much government is too much government.

Maybe it was inevitable that the National Opt-Out Day, when travelers were going to refuse body scans en masse, failed to become the next Woolworth's sit-in (how do you organize a movement that abhors organization?). It turned out most Americans actually supported the body scanners. But the moment was a reminder of just how strong, not to mention *loud*, the libertarian streak is in American politics.

Here's another way one could look at the same events:

When TSA forced airline passengers to choose between a naked body scan or having their genitals groped, libertarians objected. And the media gave their dissent a fair hearing. As Chris Beam wrote in *New York* magazine, “For one beautiful moment, the whole political spectrum—well, at least both vocal ends of it—seemed to agree: Too much government is too much government.”

But opposition to a policy that would’ve been utterly unthinkable just a decade ago was utterly insufficient to get it repealed. It turned out that many Americans didn’t care that much about body scanners, and few elected officials in either party attempted to interfere with TSA. The moment was a reminder of just how strong the anti-libertarian streak is in American politics.

Shortly thereafter Beam writes:

There’s never been a better time to be a libertarian than now. The right is still railing against interventionist policies like TARP, the stimulus package, and health-care reform. Citizens of all political stripes recoil against the nanny state, which is nannier than ever, passing anti-smoking laws, banning trans fats, posting calorie counts, prohibiting flavored cigarettes, cracking down on Four Loko, and considering a soda tax in New York. All that, plus some TSA agent wants to handle your baggage. Libertarianism has adherents on the left, too—they just organize around different issues. Whereas righty libertarians stew over taxes and bailouts, lefty libertarians despise de facto suspensions of habeas corpus, surveillance, and restrictions on whom you can marry.

It could as easily be put this way:

There’s never been a better time to be a non-libertarian! The right is still demanding an expansive view of presidential power, further abrogations of civil liberties to fight terrorism, and an interventionist foreign policy that keeps the American military in numerous countries across the globe. Both political parties support a ruinous drug war being waged in scores of countries. Citizens of all political stripes increasingly find themselves subject to the laws of the nanny state, which is passing anti-smoking laws, banning trans fats, and cracking down on Four Loko. All that, plus President Obama says he is empowered to order the extra-judicial assassination of American citizens far from any battlefield. Non-libertarianism has adherents on the far left too, they just organize around different issues: speech codes like the ones in Canada, rape laws that presume the accused is guilty, bans on political speech during campaigns, etc.

Here is how Beam defines the political philosophy for readers of *New York*:

Libertarianism is a long, clunky word for a simple, elegant idea: that government should do as little as possible. In *Libertarianism: A Primer*, Cato Institute executive vice president David Boaz defines it as “the view that each person has the right to live his life in any way he chooses so long as he respects the equal rights of others.” Like any political philosophy, libertarianism contains a thousand substrains, ranging from anarchists who want to destroy the state to picket-fence conservatives who just want to

put power in local hands. The traditional libertarian line is that government should be responsible for a standing army, local security, and a courts system, and that's it—a system called minarchy. But everyone has his own idea of how to get there. Washington-think-tank libertarians take an incrementalist approach within the two-party system. The Libertarian Party offers a third way. Ayn Rand-inspired Objectivists promote their ideas through education. *Reason* magazine preaches the gospel of cultural libertarianism. Silicon Valley techno-entrepreneurs would invent their way to Libertopia. Wall Street free-marketers want deregulation. The Free State Project plans to concentrate 20,000 libertarians in New Hampshire. "Seasteaders" dream of building societies on the ocean. And then there are the regular old Glenn Beck disciples who just want to be left alone.

This is a perfectly fair if what you're doing is defining libertarianism with the space constraints of a magazine article. But I submit that it has all the flaws and limits of this:

Non-libertarianism is a long, clunky word for the view that even if a person is respecting the equal rights of others, he or she doesn't have a right to live life in the way of their choosing. Like any political philosophy, it contains a thousand sub-strains, ranging from communists to fascists. The traditional non-libertarian belief is effectively that government should operate free of strict limits established by first principles or the Constitution. But everyone has their preferred vision of life in a non-libertarian state. Washington-think-tank non-libertarians take an incrementalist approach within the two-party system. The Green Party offers a third way. Jesus Christ-inspired Catholics promote their ideas through education. Oprah preaches the gospel of cultural non-libertarianism. Ivy League public policy wonks would invent their way to Non-Libertopia. Wall Street corporations want bailouts and regulations that disadvantage competitors. No project is needed to concentrate a majority of non-libertarians in New Hampshire. And then there are the regular old AARP members who just want Social Security and Medicare to continue without any cuts until they die.

Beam writes:

Libertarianism gets caricatured as the weird, Magic-card-collecting, twelve-sided-die-wielding outcast of American political philosophy. Yet there's no idea more fundamental to our country's history. Every political group claims the Founders as its own, but libertarians have more purchase than most. The American Revolution was a libertarian movement, rejecting overweening government power. The Constitution was a libertarian document that limited the role of the state to society's most basic needs, like a legislature to pass laws, a court system to interpret them, and a military to protect them.

What if a *Reason* magazine explainer on non-libertarians unfolded like so:

Non-libertarianism gets caricatured as the responsible, mainstream, expert consensus supporting branch of American political philosophy. Yet so much of what it advocates is at odds with the country's founding. Of course, the slaveholders that wrote the Constitution without giving women the right to vote weren't exactly libertarians either, even if they did limit the federal government in various ways. In fact, non-libertarians

have enjoyed uninterrupted power in the United States for the whole of its history, non-libertarians were particularly instrumental in the political beliefs of the slave-holding Confederacy, and for all the disastrous foreign wars, violations of civil liberties, and fiscal nightmares created by non-libertarians during their uninterrupted domination of all three branches of government, voters still prefer them.

Rather than go on like this, I'll step back and make some general remarks. A lot of the critiques that Beam makes of libertarianism are true, as far as they go, but more trivially so than he seems to think: that is to say, the stock flaws that libertarians are accused of apply to everyone else in American politics too. Lots of liberals and conservatives are hostile to the two party system, disaffected by the compromises inherent in governing, or members in quixotic activist groups with wacky plans to bring about their own version of Utopia.

The most extended critique that Beam makes of libertarians goes something like this: though their ideas often sound good in principle, adhering to them too strictly can lead them deep into the wilderness; and too often, adherents of the political philosophy suffer from a failure or refusal to grapple with the world as it really is. But these aren't flaws unique to libertarians – give that last sentence another read, and you'll see that it characterizes literally every faction in American politics for the whole history of this country.

And as I survey the biggest policy disasters in recent American history – the push liberals made in California to vest public employees with obviously unsustainable pension deals, the conservative approach to the Iraq War, the non-libertarian, bipartisan consensus that we ought to continue waging a War on Drugs in scores of countries despite the utter implausibility of victory in that struggle – I cannot help but conclude that it is the serial refusal of non-libertarians to grapple with the world as it is that causes our country the vast majority of its avoidable trouble.

What about a voter who wants to grapple with the world as it is? I think he or she ought to conclude that libertarians hold very little power in this country (as Beam points out), that a Congressional majority that would implement their least mainstream ideas – returning to the gold standard, for example – is utterly implausible, and that electing more libertarians like Ron Paul is far more likely to advance the most popular libertarian policies, like an end to marijuana prohibition, smart cuts to the Pentagon budget, and rolling back the nanny state. Instead, non-libertarian pundits delight in focusing on the least likely libertarian ideas to be implemented, and pointing out real flaws in theoretical libertarianism – the Civil Rights Act dustup, for example – that have little bearing on actual political questions that face America. In this sense, it is non-libertarians who are making the ideal the enemy of the practical, and I wish they'd stop it.