



Even the intellectual left is drawn to conspiracy theories about the right. Resist them.

How not to write about “radical” libertarians.

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It’s always hard in politics for people to take their opponents’ views seriously, but it has become ever harder in Trump’s America. People are more engaged with politics, but only because they want to beat the other side, not understand it. This means scholars have a greater responsibility than ever to help ordinary citizens understand how the people with whom they disagree think, and what their political opponents are actually doing.

Most scholars get this. For example, political scientists and historians, who tend to range from the political center to the left wing, have written extensively about the origins and development of American conservatism. Rick Perlstein, the left-wing historian, has written intelligently and sensitively about the Barry Goldwater movement and the rise of the modern US right. Jefferson Decker at Rutgers University has carefully tracked how reaction against the role of the federal government in Western public lands gave rise to conservative public interest law.

Angus Burgin has thoroughly dug into the history of the Mont Pelerin Society, founded by Friedrich Hayek in 1947, showing how a transnational network of free market thinkers helped change the global conversation on political economy. One of us (Teles) devoted years to making sense of how conservative foundations helped shape the academic discipline of law and economics, build the Federalist Society, and, more recently, support criminal justice reform. And this barely scratches the surface of high-quality scholarship across multiple disciplines on conservatism.

This kind of work is not just important because it involves scholarly objectivity and generosity — although that is true. It’s also important because even when it doesn’t promote agreement, it promotes smarter politics. Intelligent partisans want to understand what truly motivates their opponents, so that they can learn from their adversaries, and even steal their good ideas. Superficially pleasing scare narratives about the other side may make us feel good, but they can drive poor strategic decision-making.

That brings us to Nancy MacLean's much publicized, heavily praised (in some quarters) recent book on public choice economics, *Democracy in Chains* (published by Penguin Random House), which focuses on the role of Nobel Prize winner James Buchanan. Public choice economics is an approach that asks how special interests can seek "rents," or income unrelated to economic productivity, by getting self-interested bureaucrats and government agencies to regulate in their favor. It examines the impact of institutional rules on economic outcomes, usually from the standpoint of an assumption that market processes naturally align with the public interest but governmental processes do not.

Some on the left say the book describes a "clear and present danger" to democracy

MacLean's work has been hailed as a kind of skeleton key to the rightward political turn in American political economy by intellectuals including the journalist Jamelle Bouie, who says he came away from the book "completely shook"; the novelist Genevieve Valentine, who says on NPR.org that the book demonstrates a "clear and present danger" to US democracy; and publications such as Slate and Jacobin.

A deep, historical study of public choice would be welcome, and Buchanan's role in the development of the thought and organizational infrastructure of the right has generally been overlooked. Unfortunately, the book is an example of precisely the kind of work on the right that we do not need, and the intellectuals of the left who have praised it are doing their side no favors.

MacLean is undoubtedly correct that the ideas of Buchanan, an economist who taught at George Mason University, and his acolytes are important. Their writings reshaped the way we think about regulation, governments, and markets. For example, public choice economists have argued that many US Department of Agriculture rules for food are intended not to protect consumers, but to protect influential businesses from smaller competitors that have difficulty in complying with these standards. Public choice suggests that regulatory agencies are often "captured" by narrow interests, and that the best solution is often to minimize government bureaucrats' ability to regulate.

This is undoubtedly a right-leaning understanding of economics and politics, and one that is limited as a guide to the actual operation of political institutions. But it provides a set of tools that should be in the organizational repertoire of any political thinker or activist. It can be turned to understanding businesses as well as politicians. Public choice-influenced economists like the University of Chicago's Luigi Zingales are clearly right-wing, but they also provide important insights about how powerful businesses can systematically corrupt the political system. The Trump administration's combination of sleaze and regulatory power is likely to provide many examples of the kind of government "capture" that public choice economists have warned against.

Conspiracy theory in the guise of intellectual history

MacLean, however, doesn't want to explain how public choice economists think and argue. Instead, she portrays them as participants in a far-reaching conspiracy. She describes how a movement of "fifth columnists" that "congratulated itself on its ability to carry out a revolution

beneath the radar of prying eyes” is looking to fundamentally undermine American democracy. She uses cloak-and-dagger language to suggest that she was only able to uncover the key files explaining what was going on because someone failed to lock “one crucial door” to a half-deserted building on George Mason University’s campus. (George Mason is the site of an unlisted and then-disorganized archive of Buchanan’s papers.)

In language better suited to a Dan Brown novel than a serious nonfiction book, she describes Buchanan as an “evil genius,” and suggests he had a “diabolical” plan to permanently “shackle” democracy, so that the will of the majority would no longer influence government in core areas of the economy. In MacLean’s account, Buchanan, who won the Nobel Prize for his work on the contractual and constitutional bases of decision-making but is nearly unknown to the public, prepared the plan that the Koch brothers and other conservative funders and activists have been carrying out ever since.

MacLean has argued that the economist and blogger Tyler Cowen has provided “a handbook for how to conduct a fifth column assault on democracy.” *Washington Post / Getty*

While some on the left have hailed the book, libertarians and conservatives have attacked it online. Several have argued that MacLean misleadingly truncates quotes, to make it seem as if Buchanan and other libertarians such as Tyler Cowen are anti-democratic. While they obviously have a great deal of skin in the game, their critiques of the book have landed a number of solid blows.

For instance, when MacLean claims that Cowen is providing “a handbook for how to conduct a fifth column assault on democracy,” she cites as evidence Cowen’s statement that “the weakening of checks and balances would increase the chance of a very good outcome.” Unfortunately, she declines to provide the reader with the second half of the sentence, which goes on to note that “it would also increase the chance of a very bad outcome.” Nor, as she has claimed in interview, is the title of Cowen’s blog *Marginal Revolution* a signal to the illuminated that Cowen is undertaking a gradual revolution by stealth (it’s actually a well-known term for the birth of modern economics).

She accuses David Boaz, executive vice president of the Cato Institute, a libertarian think tank, of believing that “close to half of American society is intent on exploiting the rich” when he writes about a “parasite economy” of predators and prey. In fact, the predators Boaz is talking about are specific interests lobbying for subsidies, tariffs, quotas, or trade restrictions. While his claims can be contested, they are simply not what MacLean says they are.

MacLean’s critics on the right also argue that there is little to no evidence supporting her most important arguments, and some of her most trenchant examples. There is no strong evidence that Buchanan was motivated to rein in state power because he opposed *Brown v. Board of Education*, for instance, or helped Pinochet design his authoritarian constitution, despite MacLean’s insinuations to the contrary.

Those on the left might be inclined to think that the libertarian and conservative critics of the book are lashing out, or overemphasizing a few errors, because MacLean has revealed the dark

side of one of their heroes and the unsavory modern history of their movement. Or alternatively, as MacLean has publicly claimed is the case, one might see this criticism as a counter-campaign by “Koch operatives” aimed at discrediting her. Yet while we do not share Buchanan’s ideology — and we would love to read a trenchant critical account of the origins of public choice — we think the broad thrust of the criticism is right. MacLean is not only wrong in detail but mistaken in the fundamentals of her account.

It’s part of politics to attempt to split the opposition and make political gains irreversible

Buchanan was not an evil genius who masterminded a new “‘technology’ of revolution” with profound practical consequences. Despite MacLean’s apparent shock, for example, the political tactics that Buchanan advocated are nothing unusual in politics. He advocated splitting the opposing coalition (liberals and the left), to win advantage for the pro-market agenda through stealthy tactics, and to change the terrain of politics to make the policy victories of his side hard to reverse.

Buchanan was no more inspired a political tactician than the average political scientist or economist, which is to say, not very inspired at all. As historical institutionalist political scientists have argued repeatedly, strategies of slow, incremental change are very commonly adopted by groups looking to alter an apparently immovable status quo. So too are policies that are intended deliberately to create (or split) coalitions to protect (or undermine) institutions.

The architects of the welfare state used such stratagems to hide their true intentions and entrench the welfare state so deeply that future politicians would be unable to roll it back. Entire books by mainstream scholars like Brown University’s Eric Patashnik, the late Martha Derthick, and the University of Oregon’s Alison Gash have explored these topics, focusing mainly (although not exclusively) on the center left.

FDR famously observed of the decision to fund Social Security through a payroll tax, “We put those payroll contributions there so as to give the contributors a legal, moral, and political right to collect their pensions and their unemployment benefits. ... With those taxes in there, no damn politician can ever scrap my social security program.”

From one perspective, Buchanan was trying to stop a revolution, not start one

Indeed, what Buchanan and others thought they were doing is more aptly described as trying to *undo* the advantages won by their left-wing opponents, who had succeeded in building a welfare state that seemed immune to fundamental reform, even when Republicans held the presidency and both houses of Congress. Where MacLean accuses Buchanan and those he influenced of undemocratic schemes for political entrenchment, they saw themselves as engaging in a strategy of counter-entrenchment. At least in this if in nothing else, it really is the case that “everyone does it.”

If *Democracy in Chains* were just another overheated partisan book, it wouldn’t be worth discussing. Yet the book was written by a highly respected professor in a first-rate department, and was published by a major trade press — and has been acclaimed by well-known figures on

the left. There is every reason to believe it will shape how those on our side of the political spectrum understand the history and strategies of their adversaries.

Why have so many left-wing readers embraced such a transparently flawed book? The most persuasive explanation is that MacLean confirms and extends their deep preexisting suspicions. The book tells them how a single man with a single plan united neoliberal economists, the Kochs, and Republican operatives in a secretive plot against democracy, before he was undone in an internecine clash with Charles Koch, which MacLean depicts as a titanic clash between two ambitious leaders. Leftists and liberals are left with the belief that their opponents are all working in coordination, implementing a single master plan with fiendish efficiency, while they themselves are in hapless disarray.

MacLean's book is only the latest to make this kind of "master plan" argument, which more typically tends to focus on the so-called "Powell memo" of 1971, written by future Supreme Court Justice Lewis Powell. (MacLean also discusses the memo, which urged business to organize and wield its power to preserve "the American economic system," which Powell thought was under siege.) Seemingly unbeknownst to MacLean, the claims that the memo was the master plan for conservative mobilization has been shrunk down to size by a number of scholars (including Teles's own *The Rise of the Conservative Legal Movement*, which MacLean cites extensively).

Conservatives have their own versions of a mythology portraying opponents as secretive plotters, focusing on such supposed puppet masters as George Soros, Saul Alinsky, and Frances Fox Piven. Each side assumes the existence of a flawless, ruthlessly executed plan on the other side, while bemoaning the chaos and excessive scruples that beset their own allies. It is always tempting to think that the other side is more organized, more motivated, and more seamlessly united than they are, since all one can see are their successes, and not the compromises, mistakes, and frustrations that lie behind those successes.

If you believe your opponents work through secret cabals, your own strategic thinking gets distorted

If what MacLean writes were true, the obvious solution for liberals and the left would be to come up with their own centralized approach. The problem, however, is that it is not true at all. In fact, the historical record suggests that the most successful conservatives, including the wealthy individuals and foundations who helped fund public choice economics, didn't start with a preconceived master plan. They did not commit wholeheartedly to any one strategy but instead spread their bets across a portfolio of different people and organizations, understanding that most of them would probably fail but hoping that a few would survive and work.

Public choice economics was certainly one of the success stories — but even it flourished in unexpected ways. Within economics, it remains a minority approach, but it has had a profound influence on legal and public policy thinking, including among those on the center left (such as ourselves).

Public choice economics succeeded in part because it had valuable things to say. Politicians indeed sometimes care more about reelection than doing the right thing. Voters often fail to pay attention, allowing lobbyists to persuade politicians to enact regulations that favor the few rather than the many. These arguments may have been best articulated by right-wing thinkers, but they have value for the left too, because they identify real problems. When MacLean depicts people like Buchanan and Cowen as wicked monsters, out to destroy democracy, she excludes the possibility that she or her readers could learn from them.

The left and center left should accept that not only do their opponents not have any grand master plan but that having a grand master plan is probably a bad idea. Like conservatives in an earlier era, they should recognize the limits of their knowledge and capacity to see the future, and diversify their strategies. Some of these strategies will involve mass mobilization like that pioneered by the Indivisible movement, Black Lives Matter, and Bernie Sanders supporters. Others will involve more traditional retail politics, or building strange-bedfellows coalitions with people on the right who are frustrated and angry at Donald Trump. Others still will involve building up the intellectual infrastructure for new understandings of politics.

As the political theorist Nancy Rosenblum has observed, good partisans don't stick to their preconceptions but instead are always scrutinizing the public and their adversaries, figuring out how to amass the votes and resources they need to win elections. In a chaotic political environment, the best way to do this is to encourage experimentation, so as to figure out what works and build on it. That — not sinister Machiavellian plans — is the real lesson of the political success of public choice economics.