

Brad DeLong
Grasping Reality with the Invisible Hand
Fair, Balanced, and Reality-Based

*THE GOOD ARGUMENTS AGAINST THE KOCHS'
USING THEIR PROPERTY RIGHTS OVER CATO
ARE ALL BURKEAN AND COMMUNITARIAN.
THEY ARE NOT LIBERTARIAN*

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Corey Robin:

[When Libertarians Go to Work](#): [Julian] Sanchez criticizes progressives who can't help noting the irony of libertarians complaining about wealthy people using their money to buy the kind of speech they like.

If Cato is Koch property, progressives say, doesn't libertarian theory require that the Kochs be allowed to do with it what they will? Silly progressives, says Sanchez. Libertarians aren't recommending that the Kochs, assuming they have legal title, not be allowed to do whatever they want with Cato. They're simply saying it's not a good idea for the Kochs to do whatever they want with Cato—to transform it from the republic of letters libertarians assume to be into the Republican propaganda mill the Kochs would like it to be. Nothing in libertarian theory precludes libertarians from criticizing how the wealthy use their money.

I realize progressives think libertarianism is just code for uncritical worship of rich people, but as that's not actually the case, the only irony here is that people think they're scoring some kind of gotcha point when they're actually exposing the silliness of their own caricature.

If only Sanchez read his own writing as diligently as he reads his critics'. For what's noteworthy in his "presignation" letter is... [the] portrait he paints of himself and his workplace, how the coercion he imagines his new bosses wielding would threaten his autonomy and integrity, his very capacity to speak the truth as he sees it:

More importantly, I can't imagine being able to what I do unless I'm confident my work is being judged on the quality of the arguments it makes, not its political utility—or even, ultimately, ideological purity. Obviously Cato has an institutional viewpoint, and I wouldn't have been hired in the first place if my views on the topics I write about weren't pretty reliably libertarian. But when it comes down to specific issues and controversies, nobody tells me what to write. If my honest appraisal of the evidence on a particular question leads me to a conclusion that's not "helpful" in the current media cycle's partisan squabble, or that differs from either the "official" libertarian line, or from the views of my colleagues, I can write it without worrying that I'll be summoned to the top

floor to explain why I'm "off message." That's the essential difference between an analyst and an activist: I can promise readers that what appears under my name—whether I get it right or wrong—represents my sincere best effort to figure out what would be good policy, not an attempt to supply a political actor with a talking point. If I couldn't make that promise, I'd have no right to expect people to take my work seriously.

The mere thought that he might "be summoned to the top floor to explain why [he's] 'off message'"—with the obvious implication that he'll be fired if he can't or if he does it again—is enough, for Sanchez, to compromise his ability to do his job as he understands it, which is to tell the truth. So threatening to his independence and autonomy is the future bosses' power to fire him that Sanchez believes he must flee it—in advance of it even being exercised.

Ever since the nineteenth century, men and women of the left have looked upon this situation and seen coercion, an unjustified abridgment of freedom. (That's partially what Marx meant when he spoke of the "despotism...of the workshop.") Ever since they've made that claim, men and women of the libertarian right have said the left is wrong. For a great many reasons, one of them being that the men and women who take such jobs do so voluntarily, and that if they don't like 'em, they can leave 'em.

Sanchez probably thinks he's saying something like that—he doesn't like what he imagines the Kochs will do, so he'll quit—but notice how he describes his decision to leave:

As I said, I'm in no great hurry to leave a job I enjoy a lot—so I'm glad this will probably take a while to play out either way. But since I'm relatively young, and unencumbered by responsibility for a mortgage or kids, I figure I may as well say up front that if the Kochs win this one, I will.

Sanchez's youth, his lack of a mortgage and kids—all these material factors and conditions make his exercise of freedom less costly to him and thus more likely to occur.... Presumably someone not so unencumbered would not be so likely to exercise her freedom. That, it seems, is the clear implication—the presupposition, in fact—of his claim. Ordinarily, most libertarians dismiss such talk as blurring the lines between negative liberty (the absence of coercion) and positive liberty (the capacity to act). The latter, they often add, is not a species of liberty at all, but something more akin to power or ability. But clearly there is coercion in the workplace; Sanchez readily admits it. And clearly its reach—whether it touches the individual worker or not—is related to, indeed depends upon, that worker's ability to act, in this case to quit. Again, Sanchez admits as much.

So if liberty is the absence of coercion, as many libertarians claim, and if the capacity to act—say, by enjoying material conditions that would free one of the costs that quitting might entail—limits the reach of that coercion, is it not the case that freedom is augmented when people's ability to act is enhanced? More to the point: is one's individual freedom not increased by measures such as unemployment compensation, guaranteed health insurance, public pensions, higher wages, strong unions, state-funded or provided childcare—the whole panoply of social democracy that most libertarians see as not only irrelevant to but an infringement upon individual freedom?

In one sense, of course, the libertarians are right: such measures require taxation and redistribution, limitations on what people can do with their property, all of which do infringe upon some limited group of people's freedom. But by providing to others some version of the freedom

from material constraints that Sanchez already enjoys... such measures would also enhance the freedom of a great many more.

That, it seems to me, is the great divide between right and left: not that the former stands for freedom, while the latter stands for equality (or statism or whatever), but that the former stands for freedom for the few, while the latter stands for freedom for the many. "We are all agreed as to our own liberty," wrote Samuel Johnson. "But we are not agreed as to the liberty of others: for in proportion as we take, others must lose. I believe we hardly wish that the mob should have liberty to govern us." That's why libertarians like Sanchez can sense so clearly the impending infringement of his freedom while remaining indifferent to the constraints of others.

It's also why he can so easily toggle from sincere concern about the Kochs' power at Cato to sneery condescension about the left's critique of the Kochs' power throughout the United States.... It never seems to dawn on Sanchez that the very same money power that would lead him—a fairly independent minded writer, who feels free enough from economic constraints that he can quit a well-paying, enjoyable gig merely on suspicion that he might be forced to hold his tongue in the future—to second-guess himself at Cato might have equal if not more effect upon others. When the Kochs wield their money at Cato, that's hegemony. But when they do it in Wisconsin, that's democracy.

So when leftists smirk at Sanchez's *cri de coeur*, it's not because we think he's being hypocritical or inconsistent. It's because we think he's telling the truth. Exactly as he sees it.

James Grimmelman:

[The Laboratorium : Cato Versus Caesar](#): Cato is relatively more committed to libertarian policies, while Koch is relatively more committed to Republican electoral victory.... Last week, the Koch brothers sued to take control of Cato... they hold an option to purchase the shares of the recently deceased William Niskanen, giving them an absolute majority.... Cato's current president, Ed Crane, has called the move a "hostile takeover" and argued that it's an attempt to "transform Cato from an independent, nonpartisan research organization into a political entity that might better support [the Kochs'] partisan agenda." Numerous prominent libertarian commentators—see, e.g., Jonathan Adler and Julian Sanchez—have weighed in against the move, on the grounds that it would at the least undermine Cato's perceived independence, and at the worst pull the organization away from libertarian principles.

The irony is thick. And I don't mean this in a tone of "Go it, husband! Go it, bear!" *schadenfreude*.... I think Adler is correct that it's not in the Kochs' own interest to take over Cato this way—but even as a liberal, I can say that this is their own mistake to make. No. The irony here is that the nation's preeminent libertarians—who ought to be exquisitely attentive to freedom of contract, institutional design, and observing the letter of the law—couldn't get their rights right. They built this Streeling of libertarian thought, with its \$20+ million annual budget and world-wide reputation, on a shareholding structure that is either actually or nearly under the control of people who do not share many of their values and have not for decades.... If so many libertarians are now so worried about a Koch takeover, one has to ask, why have they spent so many years building a brand with an unshielded thermal exhaust port?

The answers are obvious... few people knew about Cato's... ownership structure... didn't think the Kochs' power play was a serious possibility... Cato... made sense as a coordination point... they never even thought to ask. All completely human, all quite arguably reasonable, and all things any of us would likely have done in the same position. And yet the end result could well be to deliver one of the world's most recognizably libertarian institutions into the hands of men who would use it for other purposes.

I could not tell you how many times I've encountered libertarian arguments about law that assume that individuals can and ought to use contracts to protect themselves against just this sort of contingency.... [D]on't worry about all the other groups that find themselves on the wrong end of a bargain... if they wanted better protections, they could and should have negotiated for them up front.

Except they don't. They never do. And really. If the uber-libertarians of the Cato institute can't watch out for themselves, what hope is there for the rest of us?