

Virginia's libertarian moment?

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Unless just about every polling outfit in the country is wrong, Terry McAuliffe should cruise to victory in Tuesday's election. If he does, says Tarina Keene, "he will owe his victory to the women of Virginia — women who want to own their own bodies. Who want to be able to make their own reproductive health-care decisions."

Keene directs NARAL Pro-Choice Virginia, so she has a vested interest in this argument: Making McAuliffe's victory contingent on pro-choice support makes McAuliffe beholden to pro-choice activists. But the vested interest does not make the argument wrong. In fact, given the lopsided gender gap in the gubernatorial contest, it is hard to refute.

The McAuliffe camp has flogged Ken Cuccinelli relentlessly on social issues, particularly abortion — something the Republican candidate opposes in every case except when the mother's life is at stake. And the flogging has hurt: In August, McAuliffe enjoyed a 12-point lead among women. By October, the spread had increased to 24.

Keene's remark is interesting not only for its political implications, but also for its philosophical implications. Talk of owning your own body has strong libertarian overtones. Many libertarians start by embracing the concept of individual autonomy or "self-ownership" — a notion that goes back at least to John Locke ("every man has a Property in his own Person. This nobody has a right to, but himself"). Then they adopt policy positions that logically follow from it, such as legalizing drugs and opposing motorcycle-helmet laws. It's your body, libertarians say, and nobody else can tell you what to do with it.

Granted, pro-choice groups do not apply this concept with any sort of consistency — witness NARAL's support for Obamacare's insistence that every individual buy an insurance policy, whether she wants one or not. But their inconsistency does not impeach the broader point that Cuccinelli's stance on abortion has slammed into a wall of resistance from those who don't want him imposing his personal views on them as governor.

And it's not just abortion. The Republican's stance on homosexuality also has scared away potential supporters. Homosexuality "brings nothing but self-destruction, not only physically but of [the] soul," Cuccinelli said five years ago. The next year, he insisted "homosexual acts . . . should not be accommodated in government policy." His views "haven't changed," he said earlier this year.

It's true, as he also says, that many other Virginians share these "sincerely held beliefs." Yet Cuccinelli has let those beliefs drive policy: Early in his term as attorney general he told state universities they had no authority to prohibit discrimination on the basis of sexual orientation, and he has defended with Ahab-like mania a state sodomy law doomed by the Supreme Court a decade ago.

Among those who share Cuccinelli's beliefs is Virginia's current governor, Bob McDonnell — whose master's thesis at Regent University amounted to a socially conservative catechism. Yet McDonnell convinced voters he would eschew social issues and focus on jobs. Once elected, he generally did. (He even countermanded Cuccinelli's anti-discrimination order.) Cuccinelli talks about jobs too — but the public can see his heart lies elsewhere.

So some who otherwise would have supported Cuccinelli have found refuge in Robert Sarvis, the Libertarian Party nominee. Sarvis has been polling well for a third-party candidate, scoring as much as 10 percent in some polls. If he clears that bar on Election Day, then the party will win automatic ballot access for state and local offices through 2021.

A sizable proportion of Sarvis' support has come from Republicans. Hence, there has been a last-minute effort to bring Republicans who lean libertarian back into the fold. Kentucky Sen. Rand Paul recently went to bat for Cuccinelli, saying "a lot of the things" the candidate talks about "are free-market, limited-government, leave-me-alone government." In *The Washington Examiner*, columnist Tim Carney has written that if he won, "Cuccinelli would arguably be the most libertarian governor in the United States." *The Daily Caller's* Matt Lewis has seconded the motion, asking "Why Are Libertarians Helping Elect Crony Capitalist Terry McAuliffe in Virginia?"

They have a point: McAuliffe is no economic libertarian. On the other hand, he is not about to nationalize the railroads. His deviations from laissez-faire orthodoxy are driven by opportunism and indifference rather than doctrinal hostility. You can't say the same about Cuccinelli's views on social issues.

True, Cuccinelli does take the libertarian position on economic questions, property rights and the role of the federal leviathan.

Unlike many other Republicans, he also opposes corporate welfare ladled out under the pretext of economic development. All most excellent. (Not so excellent: Cuccinelli's hard-right stance on immigration — which contradicts the libertarian idea that people, like goods, should be able to cross borders freely.)

To Cuccinelli's conservative defenders, his economic libertarianism ought to suffice. Ed Crane, former president of the libertarian Cato Institute, heads a PAC spending \$300,000 on Sarvis' behalf. According to Carney, "Crane's only critique of Cuccinelli" was that the Republican "is a socially intolerant, hard-right conservative with little respect for civil liberties."

“Only”? To conservatives, economic freedom is paramount, the rest no big deal. But to libertarians, personal and civil liberties are no less vital: Big government has no place in either the boardroom or the bedroom.

If Cuccinelli shared that view, then he would have a better chance of participating in the gubernatorial inauguration Jan. 8 — rather than merely watching it.