



How To Be A Libertarian In A Pandemic

Joshua Tait

April 17, 2020

“Depending on the time of day that you catch me, I’m either depressed or thinking, ‘Wow, this is a great opportunity here.’”

So says Dr. Jeffrey Singer, a gregarious Senior Fellow at the Cato Institute, on the prospects of libertarianism during the COVID-19 pandemic.

Governments worldwide have responded to the novel coronavirus in dramatic and unprecedented ways. Many countries have provided impressive displays of executive action: border closures, limits on public meetings, rapid legislation, and massive relief packages.

These seem like dark days for libertarianism — a political philosophy built on individual liberty, property rights, and a zealous critique of the state.

As Cato’s Jeffrey Miron put it in inimitably libertarian style, “Control of infectious diseases might seem to be a textbook case where private actions will not produce good outcomes for society overall.”

Is it then true that, just as there are no atheists in the proverbial foxhole, there are no libertarians in a pandemic?

For the politically engaged living through COVID, the disease has largely reinforced political priors. Ultimately, libertarianism has enough resources to weather the pandemic. Responses range from Orange Line wonks to the outer reaches of paleolibertarianism with forms of justification that reflect cultural politics and shared principles.

Libertarian Response 1: “Libertarian though I may be, this is the right thing to do”

The libertarians who have been most accommodating to robust government action emphasize both the necessity of those actions and the extraordinary circumstances that demand them.

In a surprising op-ed, the *Washington Post* columnist and slightly heterodox libertarian Megan McArdle cried, “*Subsidize everything.*” Though these are surely “hard words for a libertarian to say,” they’re justified by the effects of the public lockdown necessitated by the coronavirus. McArdle highlighted the exceptional circumstances: “In this unprecedented situation, the government will need novel, creative policymaking to minimize the damage.” Traditional libertarian prescriptions, like payroll tax cuts intended to stimulate spending and employment, were off the table, McArdle warned, because people needed to stay home.

In McArdle’s view, this is a dual crisis. One is curbing the disease, the other is mitigating its effects on the economy through unemployment insurance, cash-in-hand payments, and relief for employers.

“Isn’t this going to be expensive? Won’t unscrupulous people try to game the system? Won’t this distort the economy?” she asked. “The answer to those questions is yes, yes, and yes. In a normal time, or even a normal recession, I’d never suggest any of these measures.” But in this parenthetical moment, state action needs to make the world safe for libertarian nostrums.

One wonders, for instance, how a pure libertarian would manage the massive spending authorized by various governments to offset the impending recession. Some Rube Goldberg insurance scheme? Or just let the economic shock hit and recalibrate? One also wonders how a hardline libertarian would countenance border closures or the limits of private gatherings that run against freedom of movement.

McArdle’s column called directly for state action. In the United Kingdom, a libertarian MP in the governing Conservative Party indicated his deep “anguish” in supporting a necessary but “dystopian” coronavirus bill.

“Libertarian though I may be, this is the right thing to do. But, my goodness, we ought not to allow this situation to endure one moment longer than is absolutely necessary to save lives and preserve jobs,” Steve Baker told the House of Commons. But “for goodness’ sake, let us not allow this dystopia to endure one moment longer than is strictly necessary.”

This is a moderated vision of libertarianism, one that is willing to relegate libertarian beliefs at certain times.

It’s not a coincidence that Baker and McArdle are minority voices in more ideologically diverse organizations. In Baker’s case, lives hinge on his party’s decisions.

But both are committed to the libertarian worldview in the sense they believe the steps taken by their respective governments must be temporary and are warranted *only* by extraordinary circumstance.

“We’re not anarchists,” Singer says. “An overwhelming majority of libertarians would agree that this is a legitimate function for the state and that stepping up in times of pandemics is actually an appropriate and legitimate role for the state because the rights of everyone are jeopardized.” In fact, “An infection like this is not unlike getting invaded by a country in a war.” And in this sense, Singer accepts necessary steps by the state in order to save lives. “It’s dangerous to downplay” the threat of coronavirus, he says, “because you might be wrong.”

Be that as it may, a second libertarian response to COVID has been reaffirming libertarian commitments, both positive and negative, and emphasizing threats to the economy.

Libertarian Response 2: “Here’s the lesson: our regulatory system is too inflexible, too outdated, and sclerotic.”

Singer is worried about the political implications of the steps taken by governments. He cites the “Ratchet effect”: a cycle of crisis and governmental exertion. In extreme circumstances, authority ensues to the government — often the executive. When the crisis passes, the government does not relinquish all its new powers. It’s a key insight that means libertarians jealously guard powers. Global pandemics seem ready-made for the ratchet effect and Singer suggests a “high bar” for adding to state power, passing pet projects, or curtailing civil liberties.

Libertarians also demand that measures meant to combat COVID be removed as soon as the threat has passed. Tom Switzer, from the Australian Centre for Independent Studies, warns against “an arms race of compassion” threatening to stifle the Australian economy and leave a generation in debt.

But every crisis is an opportunity and mainstream libertarians insist COVID has revealed the flaws in the United States’ regulatory and health systems that libertarians had long warned against.

They cite a litany of regulatory choke points that they argue hampered a nimble response to COVID. “There are a lot of lessons that are obvious in this,” Singer told me. Strict FDA regulations, since discarded, meant few tests were available in the United States and were not readily imported. “Certificate of Need” legislation at the state level threatens to limit hospital flexibility. The classic libertarian bugbear of occupational licensing in the medical field, too, limits effective responses. Others point fingers at the Centers for Disease Control and Prevention for bureaucratizing the response and preventing private alternatives.

The United States’ collective response to pandemic is “an opportunity, when the dust settles, to revisit all these regulations that we found were obstacles to a quick response.”

Beyond Singer and Cato’s health policy proposals, economists associated with the strident free marketeer Foundation for Economic Education advance theories about structural problems in the economy that will worsen the coming recession but be obscured by COVID.

Libertarians hope for a freer future, with lessons learned. But they also fear a ratcheting up of state power.

The underlying claim is that the situation would be better if governments and economies were more libertarian-informed. The response to COVID would have been faster and more effective, they argue, and the economy and health systems would be in better shape to handle the pandemic.

Libertarian Response 3: “The operation was a success, but the patient died”

Of course, a central premise of libertarianism is its emphasis on the economy. Many on the right have argued that the measures taken by states all over the world will cause more damage than the disease by wrecking the economy and precipitating the next Great Depression. Emphasizing economic integrity has been part of the libertarian response, ranging from a pained weighing of trade-offs through to a sneering denial of the coronavirus’s relative threat.

Libertarian commentators have steadily beat a drum that can sometimes appear to prioritize the health of the economy over fighting the coronavirus.

“I’m concerned about the trade-offs,” says Singer. “We need to take into account the social costs of these policies.” While epidemiologists are essential and it’s dangerous to ignore COVID, Singer says, “they don’t necessarily take in the broader picture of the sociological and economic effects of their interventions.”

Could the reverse be true: economists don’t take the epidemiologists’ warnings as seriously as they ought when it comes to envisioning what an economy still haunted by COVID might look like?

“I’m sensitive to the futures of the millions and millions of people whose lives may be completely turned upside down as a result of this or the people of lower income or lower-middle income who may become destitute.”

As the coronavirus crisis continues, Cato and other libertarian institutions have strengthened this warning.

Citing an estimated 24 percent decline in the economy in the second quarter of 2020, Miron argues that the “risk of a terrible recession, expanded crony capitalism, and significant government debts” alongside “bad precedents” for future government interventions mean the U.S. government’s response has been dangerous. More than that, Miron argues that private, voluntary action would have been as effective with fewer trade-offs.

James Agresti, writing for Just Facts, “a nonprofit institute dedicated to publishing verifiable facts about public policy,” concluded that “overreacting can ultimately kill more people than are saved.”

Libertarians are often at their best when they argue their policies will lift up the most marginal in society. They’re right to be concerned with damage to the economy, such as the loss of 22 million jobs in the past month, and worry about those who will suffer as a result. But public health and economic health are not distinct. Jacinda Ardern, the Prime Minister of New Zealand

whose government has led an aggressive health and economic response, warns it is a false dichotomy. Too great an emphasis on the economy results in “the worst of both worlds.”

Libertarian Response 4: “State and local authoritarians love panic”

On the fringes of the libertarian world, however, are the true believers.

In the fundamentalist libertarian mindset, the world is divided between those who love liberty and “statists.” “Governments love crises because when the people are fearful they are more willing to give up freedoms for promises that the government will take care of them,” writes former congressional representative and presidential candidate Ron Paul. It’s unclear whether he means governments act by malicious intent or structural nature. But the net result is that “government overhypes a threat as an excuse to grab more of our freedoms,” which are never returned. It’s the ratchet effect as sinister strategy.

Another leading figure on the libertarian fringe, Lew Rockwell, writes “governments all over the world are using the alleged threat of a COVID pandemic to shut down the world’s economy,” implying a Machiavellian intentionality. He warns the world’s leaders “want” to force states back into autarky as if progressives want an economic collapse.

This worldview rests on two planks. The first is a rigid affirmation of libertarian principles, frequently through the near-liturgical recitation of key thinkers.

Rockwell quotes the Austrian-school economist Ludwig von Mises like scripture. Philipp Bagus (a Fellow at the Mises Institute) channels the anarcho-capitalist-weirdo-turned-paleolibertarian Murray Rothbard to ask “Can the use of coercion to make people help others be justified?”

(His answer? “*Such a claim would be an impermissible violation of the other person’s right of self-ownership.*”)

Elsewhere, the jurist and columnist (and professed Abraham Lincoln-hater) Andrew P. Napolitano packages strident libertarian claims with a children’s history of the United States and constitutional law.

The second plank is denial about the dangers of the coronavirus. Ron Paul calls Director of the National Institute of Allergy and Infectious Diseases Anthony Fauci the “chief fearmonger” of the Trump Administration while lauding the medicinal effects of being outside. Paul compared the coronavirus, which at the time of writing had killed fewer than 100 Americans, with tuberculosis, which had killed 1.6 million people worldwide. Libertarian polemicist (and also a Lincoln-hater) Thomas DiLorenzo compared coronavirus deaths with other diseases while mocking the medical “experts” responsible for 500,000 deaths annually due to error. DiLorenzo’s jab does double-duty. It downplays the danger of COVID while undermining expertise. Like Paul, DiLorenzo also cites the importance of going outside for vitamin D.

Edwin M. Yoder once observed that “if you elect presidents with a contempt for government, you’re all too likely to get contemptible government.”

As far as policy is concerned, types like Rockwell and DiLorenzo are functionally irrelevant. Their influence is on the borders of cultural and political debate where their paranoid outlook poisons political debate, helping to create the moral and philosophical void toward government that led to Donald Trump.

Theodicy for Freedom

As we have seen throughout the past month, governments have moved sharply against standard libertarian advice. They've closed borders, curtailed private congregation, and spent dramatically. It appears that both governments and citizens demand (or at least acquiesce to) security and rapid state action.

Theodicy is a religious term. It is an affirmative defense of the existence of God in the face of evil. An effective theodicy proffers a meaningful cosmos, one that explains why some suffer and others prosper.

Like all political faiths, libertarianism requires a theodicy.

Libertarianism excels at explaining why some succeed: its positive vision of success helps explain its appeal.

Fittingly, the libertarians discussed above use a range of theodicean strategies. The efforts of moderates, like Megan McArdle and Steve Baker, take on a theologically modernist hue. They affirm the traditional principles of libertarianism but modulate them for present realities.

A classic formulation of theodicy, owing to St. Augustine and St. Thomas Aquinas, is the idea that evil is an absence of God, or a privation of good.

The libertarian version of this theodicy of absence emphasizes the extent to which libertarian policy ideas have been ignored, impinged upon, or overridden. In this vein, the Cato Institute argues that not only would a more libertarian United States have responded more effectively to COVID, a lighter hand from the government would also mitigate the disease and balance economic trade-offs more effectively than a state-oriented response.

In short, true libertarianism has not been tried: harm is found in the absence of liberty, not its presence.

At the extreme fringes, libertarian snake handlers like Rockwell and Paul deploy a combination of the Good Word, crude demonology, and bunkered denial — denial of modern legal and political realities, denial of the coronavirus, and a denial of human nature that routinely votes for security via state action.

It's not fair to tar an intellectual movement as broad as libertarianism with its most extreme elements. But there is slippage from the fringes toward the center. DiLorenzo, for instance, rubs shoulders with seemingly mainstream libertarians like James Agresti on the Foundation for

Economic Education website, while most libertarians have an heritage with shared intellectual heroes, like Ludwig von Mises.

And some of the intellectual trends that exist on the fringes emerge in far more respectable venues. Folks like DiLorenzo are unsophisticated naifs with their claims about vitamin D and criticism of medical experts. But as the *New Yorker* exposed in its interview with eminent legal scholar and Hoover Institution Senior Fellow Richard Epstein, libertarian distrust of mainstream expertise runs deep. Indeed, such skepticism underpins the libertarian response to the broader problem of climate change.

Perhaps when all this is over, libertarians will be vindicated. If not, we know that people of faith can weather many disappointments.

But there *are* libertarians in a pandemic. In fact, “the libertarians you will always have with you.”