

## The Liberty Scam, Part 2

Responding to the critics of my essay on Robert Nozick, the philosophical father of libertarianism.

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In writing about Robert Nozick earlier this week, I wanted to ask whether our drift to the right has at its core a basic misconception about the relationship between human nature and individual rights, between talent and just deserts, and whether a version of that misconception could be found a) in germ form in Nozick's 1974 treatise and b) virtually everywhere, implicit and

explicit, in contemporary American discourse. Much of the critical reaction to my essay has been merely spastic or courtesy of people accustomed to the shady comforts of the fringe. Obscurity, munificent sponsorship, and echo-chamber "debates"—each contributes to the presumption one is shepherd to a pure flame and not a minor water carrier for class interests.

Setting aside the predictable liberty-league seizures, there is an error in the piece, there is a potential conceptual muddle in it, and one especially bizarre criticism has been levied against it. All three ought to be addressed outright.

As Brad DeLong points out, I ran together Keynes' angry marginalia in Hayek's review of Keynes' *A Treatise on Money*

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with Keynes' angry published review of Hayek's *Prices and Production*, and then—an act of wishful thinking—placed the comment in the margins of Keynes' copy of *Road to Serfdom*. Delong is right in saying Keynes wrote Hayek telling him he admired *Road* ("a grand book"), but since Delong's primary interest is in pampering his own self-image as the scourge of a lazy world, he leaves his reader with a false, or at least, incomplete impression.

By the time Keynes wrote to Hayek (a letter Delong might study for its tone of confident generosity) he had all but crushed Hayek as a potential rival and regarded him with some pity, as evidenced by his ginger-to-the-point-of-condescending tone. He is gently pointing out to Hayek that though his principles may be sound, they are all but meaningless. ("But as soon as you admit the extreme is not possible ... you are, on your own argument, done for ...") Nothing about my overall point—that Keynes' patronizing attitude toward Hayek was representative of the "polite" academic attitude toward libertarianism after the war—is refuted by my admittedly careless error.

Julian Sanchez and Mark Thompson make related points about whether or not a single four-page example is sufficiently representative of Anarchy, State, and Utopia, much less of Nozick, much less of all libertarianism, to hang my argument on. On the narrow point, as I made clear, an entire book is necessary to grapple with ASU, but an essay seems an appropriately scaled venue to pick apart one of its more renowned and persuasive examples. (A critical technique common

to Biblical, Talmudic, Koranic, literary, and philosophic scholarship, however ardently Sanchez implies my CV doesn't qualify me to write about his beloved hero.)

More crucially: Is it possible to a) construe the example, as I have, as a somewhat willful, even sinister muddle of a historical reality (of the plight of the black athlete) with an abstract argument about justice, interference, and coercion and b) extrapolate from that muddle to the current state of political debate, influenced now as it never has been by self-proclaimed libertarians?

On point a) I'm tempted to let the essay speak for itself, but let me add: Why, if Nozick did not want to game his example, did he choose Wilt? After all, if Sanchez is correct, isn't the point made just as well with, say, a happy-go-lucky doofus who rides a wave of Internet exuberance and cashes out big, all while adding to the world precisely zero utility? Absent an injustice in each step (the prospectus is accurate, the bankers price the IPO fairly) the resulting gross

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inequality itself cannot be regarded as unjust. But I didn't choose Wilt Chamberlain; Nozick chose Wilt Chamberlain. I.E., he wanted to harvest all of the sentimental associations from a historical reality while leaving behind all its real-world complications. Sanchez takes this criticism as indication I'm unfamiliar with thought experiments. But if my thought experiment begins, "Imagine a robber baron, gluttoned on Christmas-day turkey, while little Tiny Tim attenuates, hungry in the corner ..." am I still doing philosophy?

On point b), Thompson argues that even if the Chamberlain argument is flawed, I've ratcheted down on a relatively narrow set of passages, then suddenly pulled back to invalidate Nozick, libertarianism, etc.—and that this is finally too argumentatively tendentious.

To understand why this criticism is strictly merited but ultimately trivial, imagine the country had swung to the left over the past 30 years, as far as it has now swung to the right. An entire news network devotes itself around the clock to keeping the left's Communist fringe in a state of permanent arousal. Its talking heads nightly pound their respective tables with copies of *The Eighteenth Brumaire of Louis Bonaparte*; its anchors routinely quote St. Simone and Fourier. The message is unrelenting: A libertarian menace awaits us—a world of vast inequalities, poor health care, and slow, chronically delayed passenger trains—should we lower taxes even a fraction.

Now imagine my Lefty Land self wrote a piece (and, for the record, my Lefty Land

self would write such a piece) arguing that Rawls, while a great philosopher, had helped along the country's drift left; that his Theory of Justice, while relieving an emergent yuppie class from the awful burdens of self-making (allowing them to exit the rat race, turning instead to family, worship, aesthetic contemplation, and large public projects aimed at elevating the public good—principally, air-conditioned trains that go 280 mph) had finally chased away too many animal spirits; and that a return to market discipline was, on balance, a good thing.

Reversing ideological polarities, I hope, better measures the extent to which a climate of extremism has become our new normal, while pointing up how willfully distractive, not to say silly, many responses to my piece have been. My interest in Nozick is not pedantic; it is informed by a general reality that I find, to put it mildly, alarming. The point of much of the reaction to the piece is to throw as many obstacles (in Lefty Land, the equivalents would be Don't you know Marx once wrote X? Don't you know

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Fourier once repudiated Y? Don't you know Rawls was an intellectual giant? Don't you know Rawls was only a minor figure?) in the path of an enlightened discussion about the market and whether it conduces to just or merely random outcomes. The very cunning muddle at the heart of the Chamberlain example helps tease out how confused we still are about this question.

Especially bizarre to me, in light of the context of the piece, is the claim that Nozick never sincerely repudiated libertarianism. In his essay "The Zig-Zag of Politics," he wrote, quite clearly, "The libertarian position I once propounded now seems to me seriously inadequate," adding that joint action can only take on full symbolic coloration when undertaken on behalf of the social whole and concluding: "The point is not simply to accomplish the particular purpose—that might be done through private contributions alone—or to get the others to pay too—that could occur by stealing the necessary funds from them—but also to speak solemnly in everyone's name, in the name of the society, about what it holds dear." That Nozick in an interview later repudiated this repudiation only demonstrates the man could not make up his mind about libertarianism, for or against—hardly an advertisement for the ware.

Let me conclude by acknowledging that high-church libertarians, following Nozick and Hayek, are (mostly) honest about the market's inability to distribute fair outcomes. That is not what the market is for; fair enough. But if the intellectual right truly is committed to high-church libertarianism, of the kind

that argues market outcomes may be unjust but do maximize negative liberty, then the left has an easy task: point out the injustices, then allow voters to choose between justice and negative liberty. But the left has so committed itself to market economics, to squaring the circle of Keynes and Hayek (and basking its gifted Third Way eminences—men such as Larry Summers and his mini-me Brad DeLong—in numinous intellectual authority) that it's lost its touch at pointing out even the most grotesque market injustices. The point of my piece was less to say, "Look at these godawful libertarians," than to say, "Look what we have done to ourselves."

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